

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 21, 2024**

AGENDA

- | | | |
|-------|-------------|---|
| 9:30 | Done | Presentations |
| 9:30 | Done | Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:00 | Done | Matters Presented by Board Members |
| 10:00 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Extension of Review Period for 2232 Application for a Telecommunications Tower at Bull Run Marina (Springfield District) |
| 2 | Approved | Streets into the Secondary System – Brightview Fair Oaks (Springfield District) |
| 3 | Approved | Designation of Plans Examiner Status Under the Expedited Land Development Review Program |
| 4 | Approved | Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Sugarland Road (Dranesville District) |
| 5 | Approved | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Lisle Avenue (Dranesville District) |
| 6 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-8, 7-2-13, and 7-3-2, to Consolidate the Hummer and Woodburn Precincts in the Mason District; Relocate the Greenspring Precinct’s Polling Place in the Franconia District; Rename the Polling Places for the Woodson #1 and Woodson #2 Precincts in the Braddock District, the Huntley Precinct in the Franconia District, and the Island Pond Precinct in the Springfield District; and Remove the Voter Satellite Office at the Gerry Hyland Governmental Center (Mason, Franconia, Braddock, Springfield and Mount Vernon Districts) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 21, 2024**

**ADMINISTRATIVE
ITEMS
(continued)**

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|---|-----------------|---|
| 7 | Approved | Authorization to Advertise Public Hearings on Adoption of Chapter 124.1 (Erosion and Stormwater Management Ordinance) and Repeal of Chapters 104 (Erosion and Sedimentation Control) and 124 (Stormwater Management Ordinance) of The Code of the County of Fairfax, Virginia |
| 8 | Approved | Authorization for the Department of Housing and Community Development to Apply for and Accept Grant Funding from the U.S. Department of Housing and Urban Development, Preservation and Reinvestment Initiative for Community Enhancement Grant |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval of the Memorandum of Understanding (“MOU”) is Entered into by and Between the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and the Fairfax County Police Department (“FCPD”) as it Relates to the Northern Virginia Violent Crime Task Force (Task Force) |
| 2 | Approved | Authorization to Execute an Amendment to a Project Administration Agreement with the Virginia Department of Transportation for Implementation of the Columbia Pike Complete Streets Phase I Project (Mason District) |
| 3 | Approved | Approval of a Resolution Approving Amendments to the Sewer 1985 General Bond Resolution |

**CONSIDERATION
ITEMS**

- | | | |
|---|---------------|--|
| 1 | Denied | Appeal of a Notice of Violation of the Chesapeake Bay Preservation Ordinance for 3141 Trenholm Drive, Oakton, Virginia 22124, Tax Map No. 046-2-18-0015 (Sully District) |
|---|---------------|--|

CLOSED SESSION

Done	Closed Session
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 21, 2024**

**PUBLIC
HEARINGS**

3:30	Approved	Decision on the Validation and Conveyance of Property at the Franconia Governmental Center to the Fairfax County Redevelopment and Housing Authority (Franconia District)
3:30	Deferred to June 25, 2024 at 3:30 p.m.	Public Hearing on SEA 91-D-016-02 (Virginia Restaurants, LLC) (Dranesville District)
3:30	Approved	Public Hearing on PCA 79-P-038-03 (RZPA 2023-PR-00082) (Juniper Place, LLC) (Providence District)
3:30	Approved	Public Hearing on SE 2023-SU-00030 (Tyson & Friends LLC d/b/a The Dog Stop) (Sully District)
3:30	Deferred to June 25, 2024 at 3:30 p.m.	Public Hearing on SEA 2015-MV-003 (Claudia C. Tramontana And First Years Learning Center LLC) (Mount Vernon District)
3:30	Deferred to June 25, 2024 at 3:30 p.m.	Public Hearing on RZ 2022-DR-00007 (Dulles Center LLC) (Dranesville District)
3:30	Approved	Public Hearing on PCA 2011-PR-023-04/CDPA 2011-PR-023-03 (RZPA 2022-PR-00115) (Cityline Partners LLC) (Providence District)
4:00	Deferred to June 25, 2024 at 3:30 p.m.	Public Hearing on PRC 80-C-111-02 (Fairfax County School Board, A Body Corporate) (Hunter Mill District)
4:00	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment from Aplomado Drive to Parakeet Drive (Springfield District)
4:00	Approved	Public Hearing to Convey a Deed of Easement for Fiber Optic Lines on Board-Owned Property at 6900 Newington Road (Mount Vernon District)
4:00	Approved	Public Hearing on a Proposal to Abandon Portions of Cannonball Road (Braddock District)
4:00	Approved	Public Hearing on a Proposal to Vacate James Place (Mount Vernon District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 21, 2024**

**PUBLIC
HEARINGS
(continued)**

4:30	Approved	Public Hearing to Consider Proposed Amendments to the Police Officers and Uniformed Retirement Systems Ordinances
4:30	Held	Public Hearing on the Preservation and Reinvestment Initiative for Community Enhancement Grant Application
4:30	Held	Public Comment



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
May 21, 2024

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the efforts of those involved in Fire Safety Day. Requested by Supervisor Lusk.
- RESOLUTION — To recognize the 40th anniversary of Viva Vienna! Requested by Supervisor Alcorn.
- PROCLAMATION — To designate May 2024 as Lyme Disease Awareness Month. Requested by Supervisor Herrity
- PROCLAMATION — To designate May 2024 as Fight the Bite Month. Requested by Supervisor Herrity.
- PROCLAMATION — To designate May 2024 as Older Adults and Adult Abuse Prevention Month. Requested by Supervisor Alcorn.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs

Board Agenda Item
May 21, 2024

9:30 a.m.

Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard May 21, 2024

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

FINAL COPY

**APPOINTMENTS TO BE HEARD MAY 21, 2024
(ENCOMPASSING VACANCIES PROJECTED THROUGH **MAY 31, 2024**)**
(Unless otherwise noted, members are eligible for reappointment)

**A. HEATH ONTHANK MEMORIAL AWARD
SELECTION COMMITTEE (1-year term)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; appointed 2/09-1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Suzanne Holland; (Appointed 1/23 by Gross) Term exp. 1/24	Mason District Representative		Jimenez	Mason

**ADVISORY SOCIAL SERVICES BOARD
(4-year terms – limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Karen Darley; appointed 9/21 by Walkinshaw) Term exp. 9/25 <i>Resigned</i>	Braddock District Representative	Jessica Du Bois	Walkinshaw	Braddock

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ADVISORY SOCIAL SERVICES BOARD
(4-year terms – limited to 2 full terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ben Zuhl; appointed 12/21 by Foust) Term exp. 9/25 <i>Resigned</i>	Dranesville District Representative		Bierman	Dranesville
VACANT (Formerly held by Latriece Prince-Wheeler; appointed 9/23 by Lusk) Term exp. 9/24 <i>Resigned</i>	Franconia District Representative		Lusk	Franconia
VACANT (Formerly held by Joe Koszarek; appointed 10/21 by Alcorn) Term exp. 9/25 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill

CONFIRMATION NEEDED:

- Ms. Sue Ellis Armstrong as the City of Falls Church Representative

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph Mondoro; appointed 7/21-6/23 by Palchik) Term exp. 6/25 <i>Resigned</i>	Providence District Representative	Marcie Foster	Palchik	Providence

AIRPORTS ADVISORY COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
<p>VACANT (Formerly held by Ken Platek; appointed 6/21 by McKay) Term exp. 1/24 <i>Resigned</i></p>	<p>At-Large Chairman's Representative</p>		<p>McKay</p>	<p>At-Large Chairman's</p>
<p>VACANT (Formerly held by Robert K. Ackerman; appointed 1/08-1/20 by Foust) Term exp. 1/23 <i>Resigned</i></p>	<p>Dranesville District Business Representative</p>		<p>Bierman</p>	<p>Dranesville</p>
<p>VACANT (Formerly held by Frank Leser; appointed 3/16-11/21 by Smith) Term exp. 1/23 <i>Resigned</i></p>	<p>Sully District Representative</p>		<p>Smith</p>	<p>Sully</p>

CONFIRMATION NEEDED:

- Ms. Julie Jones as the League of Women Voters Representative

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ronald Boggio (Appointed 5/22 by McKay) Term exp. 10/23	At-Large #1 Representative		By Any Supervisor	At-Large
Grant J. Nelson (Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96-5/01 by Hanley; 6/04-10/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Richard Bolger; appointed 1/21 by McKay) Term exp. 10/23 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Linda Perlstein; appointed 11/22 by Alcorn) Term exp. 10/25 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

ANIMAL SERVICES ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Allison Volpert (Appointed 2/20-2/22 by Palchik) Term exp. 2/24	Providence District Representative	Allison Volpert	Palchik	Providence

ATHLETIC COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Katherine E. Quinn Appointed 7/20-3/22 by McKay) Term exp. 3/24	Member-At-Large Principal Representative	Katherine E. Quinn	McKay	At-Large Chairman's
Anmarie Swope (Appointed 9/20-10/21 by McKay) Term exp. 10/23	Member-At-Large Alternate Representative		McKay	At-Large Chairman's
Marc Fernandes (Appointed 10/20-1/22 by McKay) Term exp. 12/23	Diversity-At-Large Principal Representative		By Any Supervisor	At-Large
Brian Luwis (Appointed 7/19-6/21 by Foust) Term exp. 3/23	Dranesville District Alternate Representative		Bierman	Dranesville
William E. Bright, III (Appointed 3/22 by Lusk) Term exp. 4/24	Franconia District Alternate Representative		Lusk	Franconia
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Jimenez	Mason
VACANT (Formerly held by Hillary Richardson; appointed 9/20-6/22 by Alcorn) Term exp. 6/24 <i>Resigned</i>	Women's Sports Alternate Representative		By Any Supervisor	At-Large

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ken Balbuena (Appointed 7/20-8/22 by McKay) Term exp. 6/23	At-Large Chairman’s Representative		McKay	At-Large Chairman’s
VACANT (Formerly held by Raymond Smith; appointed 7/20-6/22 by Walkinshaw) Term exp. 6/23 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19) Term exp. 6/21 <i>Resigned</i>	Dranesville District Representative		Bierman	Dranesville
Abby Block (Appointed 7/21-6/22 by Gross) Term exp. 6/23	Mason District Representative		Jimenez	Mason

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)
 NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Wayne Bryan; Appointed 3/21 by McKay) Term exp. 2/25 <i>Resigned</i>	Design Professional #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Daren Shumate; appointed 2/16-7/20 by Gross) Term exp. 2/24 <i>Resigned</i>	Design Professional #5 Representative		By Any Supervisor	At-Large

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Mansker; appointed 9/06-10/22 by Gross) Term exp. 12/24 <i>Resigned</i>	At-Large #3 Representative		By Any Supervisor	At-Large

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Lisa Hviding; appointed 9/23 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Darlena Ricks; appointed 6/20-3/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Nahom Sewenet; appointed 10/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

CONFIRMATION NEEDED:

- Ms. Kerri Bouie as the Reston Association #3 Representative

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4-year terms)**

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Anne Kanter; appointed 9/11-10/18 by Bulova) Term exp. 9/23 <i>Resigned</i>	At-Large #1 Representative		McKay	At-Large Chairman's
Sue Kovach Shuman (Appointed 11/17-10/19 by Smyth) Term exp. 9/23	Providence District Representative		Palchik	Providence

CHILD CARE ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Janet M. Reimer; appointed 2/20-2/22 by McKay) Term exp. 2/24 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Elizabeth Cassidy; appointed 9/22 by Alcorn) Term exp. 9/24 <i>Resigned</i>	Hunter Mill District Representative	Anne Goldstein-Rugel	Alcorn	Hunter Mill

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Zachary Smith (Appointed 3/22 by McKay) Term exp. 5/24	At-Large Chairman's Representative		McKay	At-Large Chairman's
James Sobecke (Appointed 7/20-5/22 by Walkinshaw) Term exp. 5/24	Braddock District Representative	James Sobecke	Walkinshaw	Braddock
VACANT (Formerly held by L. Eric Marx; appointed 12/20-6/22 by Foust) Term exp. 5/24 <i>Resigned</i>	Dranesville District Representative		Bierman	Dranesville

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CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Eileen Kragie (Appointed 2/23 by6 Alcorn) Term exp. 5/24	Hunter Mill District Representative		Alcorn	Hunter Mill
Linda J. Waller (Appointed 9/20-5/22 by Lusk) Term exp. 5/24	Franconia District Representative		Lusk	Franconia
Marco Johnson (Appointed 6/20-5/22 by Gross) Term exp. 5/24	Mason District Representative		Jimenez	Mason
Nicholas Andersen (Appointed 3/23 by Storck) Term exp. 5/24	Mount Vernon District Representative		Storck	Mount Vernon
Sue Gainor (Appointed 3/23 by Palchik) Term exp. 5/24	Providence District Representative		Palchik	Providence
James R. Kirkpatrick (Appointed 9/08-9/22 by Herrity) Term exp. 5/24	Springfield District Representative		Herrity	Springfield
Richard Cramond (Appointed 9/20-5/22 by Smith) Term exp. 5/24	Sully District Representative	Richard Cramond	Smith	Sully

CIVIL SERVICE COMMISSION (2-year terms)
 NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Deborah Woolen; appointed 12/20-9/23 by Lusk) Term exp. 12/24 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large
Jason Fong (Appointed 1/20-12/21 by McKay) Term exp. 12/23	At-Large #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Farzin Farzad; appointed 2/20-11/21 by Alcorn) Term exp. 12/23 <i>Resigned</i>	At-Large #5 Representative	Michael J. Grealy (Alcorn)	By Any Supervisor	At-Large
Thomas Garnett (Appointed 1/20-3/22 by Lusk) Term exp. 12/23	At-Large #6 Representative		By Any Supervisor	At-Large
Patrick Morrison (Appointed 2/20-11/21 by McKay) Term exp. 12/23	At-Large #7 Representative		By Any Supervisor	At-Large
Janice L. Hill (Appointed 12/21 by Gross) Term exp. 12/23	At-Large #9 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by John Harris; appointed 1/16-12/21 by Storck) Term exp. 12/23 <i>Resigned</i>	At-Large #10 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mattie Palmore; appointed 10/21 by McKay) Term exp. 10/24 <i>Resigned</i>	At-Large Minority Representative	Dana Hines (McKay)	By Any Supervisor	At-Large
NEW POSITION	Lesbian-Gay- Bisexual-Queer- Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large Chairman's

COMMISSION ON AGING (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sharron Dreyer (Appointed 9/20-5/22 by Lusk) Term exp. 5/24	Franconia District Representative		Lusk	Franconia
Joanne Collins (Appointed 5/22 by Alcorn) Term exp. 5/24	Hunter Mill District Representative	Joanne Collins	Alcorn	Hunter Mill
Irvin S. Katz (Appointed 11/22 by Gross) Term exp. 5/24	Mason District Representative		Jimenez	Mason
Diane R. Watson (Appointed 7/18-5/22 by Storck) Term exp. 5/24	Mount Vernon District Representative		Storck	Mount Vernon
Cathy Muha (Appointed 4/16-5/22 by Smith) Term exp. 5/24	Sully District Representative	Cathy Muha	Smith	Sully

**COMMUNITY POLICY AND MANAGEMENT TEAM,
FAIRFAX-FALLS CHURCH (2-year terms)**

CONFIRMATION NEEDED:

- Dr. Richard Leichtweis as the Private Services Provider #2 Representative

CONSUMER PROTECTION COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Dirck A. Hargraves; appointed 10/08-2/21 by McKay) Term exp. 7/23 <i>Resigned</i>	Fairfax County Resident #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Triston O'Savio; appointed 8/22 by Foust) Term exp. 7/24 <i>Resigned</i>	Fairfax County Resident #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Chester J. Freedenthal; appointed 5/22 by McKay) Term exp. 7/24 <i>Resigned</i>	Fairfax County Resident #9 Representative		By Any Supervisor	At-Large

CONTINUUM OF CARE BOARD (CoC) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Dranesville District Representative		Bierman	Dranesville
VACANT (Formerly held by Pamela Powers; appointed 7/23 by Alcorn) Term exp. 6/25 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Paul Zurawski; appointed 9/23 by Herrity) Term exp. 6/25 <i>Resigned</i>	Springfield District	Claire Keena	Herrity	Springfield
NEW POSITION	City of Falls Church Representative		Confirmed by the Board	Confirmation

CONFIRMATION NEEDED:

- Ms. Megan Goffney as the Shelter House (CoC) and Emergency Solutions Grant (ESG) Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE I (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

**DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT ADVISORY BOARD, PHASE II (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard Fernicola (Appointed 1/22 by McKay) Term exp. 1/24	BOS At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 10/20 by McKay) Term exp. 7/22	At-Large #3 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert L Norwood (Appointed 2/12-1/21 by Bulova) Term exp. 3/24	Citizen #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Juana Elisa Meara: Appointed 5/22 by Palchik) Term exp. 1/25 <i>Resigned</i>	Providence District Representative		Palchik	Providence

**FAIRFAX AREA DISABILITY SERVICES BOARD
(3-year terms - limited to 2 full terms)**

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robin Rinearson (Appointed 5/22 by Gross) Term exp. 11/23	Mason District Representative		Jimenez	Mason
Deborah K. Hammer (Appointed 3/16-1/20 by Storck) Term exp. 11/22 <i>Not eligible for reappointment</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Diane Monnig; appointed 5/21-12/22 by Palchik) Term exp. 11/25 <i>Resigned</i>	Providence District Representative		Palchik	Providence

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD
(3-year terms - limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by William Lecos 5/18-6/23 by Gross) Term exp. 6/26 <i>Resigned</i>	Mason District Representative	George Delta	Jimenez	Mason
VACANT (Formerly held by Robert H. Maurer; appointed 6/20 by Palchik) Term exp. 6/23 <i>Resigned</i>	Providence District Representative		Palchik	Providence

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

(3-year terms – limited to 3 full terms)

NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Daria Akers (Appointed 6/21 by McKay) Term exp. 6/24	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Ann Whipple; appointed 2/20-6/22 by McKay) Term exp. 6/25 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
Karen Abraham (Appointed 2/20-6/21 by Walkinshaw) Term exp. 6/24	Braddock District Representative	Karen Abraham <i>(Will be reappointed on June 25, 2024)</i>	Walkinshaw	Braddock
Bettina M. Lawton (Appointed 6/21 by Alcorn) Term exp. 6/24	Hunter Mill District Representative	Bettina M. Lawton <i>(Will be reappointed on June 25, 2024)</i>	Alcorn	Hunter Mill
VACANT (Formerly held by Garrett McGuire; appointed 5/19-6/22 by Storck) Term exp. 6/25 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

HEALTH SYSTEMS AGENCY BOARD (3-year terms - limited to 2 full terms)
 NOTE: Members may be reappointed after 1 year break

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Zlotnick; appointed 6/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Provider #4 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3-year terms)
 NOTE: The Commission shall include at least one member who is a resident from each District.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Rachel Rifkind; appointed 12/13-6/23 by Gross) Term exp. 12/25 <i>Resigned</i>	Citizen #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Joseph Imamura; appointed 7/23 by McKay) Term exp. 12/24 <i>Resigned</i>	Architect Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carmen Powell; appointed 9/23 by Foust) Term exp. 6/24 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
Subhi A. Mehdi (Appointed 3/21 by Foust) Term exp. 12/23	Historian #3 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Emanuel Solon; appointed 9/95-7/01 by Connolly; 9/04-9/19 by Smyth) Term exp. 9/22 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Alis Wang; appointed 12/16-7/21 by Gross) Term exp. 7/25 <i>Resigned</i>	Mason District #2 Representative		Jimenez	Mason
VACANT (Formerly held by Michael Smith; appointed 9/23 by Storck) Term exp. 7/26 <i>Resigned</i>	Mount Vernon District #2 Representative	Surayyah F. Colbert	Storck	Mount Vernon
VACANT (Formerly held by Tianja Grant; appointed 1/20-7/21 by Palchik) Term exp. 7/25 <i>Resigned</i>	Providence District #2 Representative		Palchik	Providence

Continued on next page

HUMAN SERVICES COUNCIL (4-year terms)
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jerrold L. Foltz; appointed 7/17-7/21 by Smith) Term exp. 7/25 <i>Resigned</i>	Sully District #1 Representative	Kathleen Marvin	Smith	Sully
VACANT (Formerly held by Edward Yost; appointed 3/23 by Smith) Term exp. 7/27 <i>Resigned</i>	Sully District #2 Representative		Smith	Sully

**INFORMATION TECHNOLOGY POLICY
ADVISORY COMMITTEE (ITPAC) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Susan S. Hoffman (Appointed 2/17- 11/23 by Gross) Term exp. 12/23	Mason District Representative	Jephte Martinez	Jimenez	Mason

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Chris M. Jones (Appointed 3/21 by McKay) Term exp. 1/23	At-Large Chairman's Representative		McKay	At-Large Chairman's
Crystopher Herrera (Appointed 2/22 by Foust) Term exp. 1/24	Dranesville District Representative		Bierman	Dranesville
Kevin Carson (Appointed 5/23 by Lusk) Term exp. 1/24	Franconia District Representative		Lusk	Franconia
Colin D. Bagwell (Appointed 2/23 by Gross) Term exp. 1/24	Mason District Representative		Jimenez	Mason
Sean Wright (Appointed 1/20- 2/22 by Palchik) Term exp. 1/24	Providence District Representative		Palchik	Providence

**POLICE CIVILIAN REVIEW PANEL
(3-year terms- limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Todd L. Cranford (Appointed 2/21 by McKay) Term exp. 2/24	Seat #1 Representative	Todd L. Cranford (McKay)	By Any Supervisor	At-Large
Cheryl Belkowitz (Appointed 3/21 by McKay) Term exp. 2/24	Seat #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Janell Wolfe; appointed 1/22-2/23 by McKay) Term exp. 2/26 <i>Resigned</i>	Seat #5 Representative		By Any Supervisor	At-Large
Fazia Deen Appointed 2/23 by McKay) Term exp. 2/24	Seat #9 Representative		By Any Supervisor	At-Large

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brendan D. Harold (Appointed 5/05-11/14 by Hyland; 12/18 by Storck) Term exp. 12/22	Citizen At-Large #2 Representative		By Any Supervisor	At-Large

REDEVELOPMENT AND HOUSING AUTHORITY (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Cushing (Appointed 6/23 by McKay) Term exp. 4/24	At-Large #1 Representative		By Any Supervisor	At-Large
Nicholas A. McCoy (Appointed 1/21 by McKay) Term exp. 4/24	Franconia District Representative		Lusk	Franconia
Rod Solomon (Appointed 6/20 by Palchik) Term exp. 4/24	Providence District Representative	Joseph Mondoro	Palchik	Providence

**RESTON TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Angela E. Roberts; appointed 9/21 by Alcorn) Term exp. 9/25 <i>Resigned</i>	Apartment or Rental Owner Associations Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Karen Mantyla; appointed 6/21 by Alcorn) <i>Resigned</i>	Residential Owners and HOA/Civic Association #2 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Shawnequa Albert (Appointed 1/22 by McKay) Term exp. 12/23	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Melody Thorson; appointed 3/18-12/23 by Storck) Term exp. 12/23 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
Melvin Murphy (Appointed 5/21 by Palchik) Term exp. 12/23	Providence District Representative		Palchik	Providence

TENANT-LANDLORD COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kenneth Reid; appointed 10/25 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large

Continued on next page

TENANT-LANDLORD COMMISSION (3-year terms)
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Shahana Begum Islam; appointed 6/20 by Palchik) Term exp. 1/23 <i>Resigned</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Karen Geier-Smith; appointed 2/16-2/22 by McKay) Term exp. 12/24 <i>Resigned</i>	Landlord Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Kocsis; appointed 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Paula Park; appointed 2/14-1/20 by Foust) Term exp. 1/23 <i>Resigned</i>	Landlord Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Lydia Lawrence (Appointed 2/22 by Foust) Term exp. 1/24	Dranesville District Representative		Bierman	Dranesville

TRESPASS TOWING ADVISORY BOARD (3-year terms)

CONFIRMATION NEEDED:

- Police Officer First Class Earl D. Culbertson as the Law Enforcement #1 Representative

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Teresa Valenzuela; appointed 7/16-11/17 by Bulova) Term exp. 10/21 <i>Resigned</i>	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

WETLANDS BOARD (5-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Aurali Dade; appointed 8/22 by McKay) Term exp. 12/25 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large

YOUNG ADULTS ADVISORY COMMITTEE
(2-year terms - limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Denver Supinger (Appointed 6/20 by McKay) Term exp. 1/24	At-Large #1 Chairman's Representative	Denver Supinger	McKay	At-Large Chairman's
VACANT (Formerly held by Emma Heisey; appointed 5/22 by McKay) Term exp. 1/24 <i>Resigned</i>	At-Large #2 Chairman's Representative		McKay	At-Large Chairman's
Julian Reda (Appointed 12/22 by Walkinshaw) Term exp. 1/24	Braddock District Representative		Walkinshaw	Braddock
Pranav Choudhary (Appointed 6/22 by Foust) Term exp. 1/24	Dranesville District Representative		Bierman	Dranesville
VACANT (Formerly held by Sujit R. Koppula; appointed 6/20-2/22 by Alcorn) Term exp. 1/24 <i>Resigned</i>	Hunter Mill District Representative	Elizabeth S. Merin	Alcorn	Hunter Mill
Eddy Sandoval (Appointed 9/21 by Smith) Term exp. 1/24	Sully District Representative		Smith	Sully

NEW BOARD

VETERANS AND MILITARY FAMILIES COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	At-Large Chairman’s #1 Representative	Robert Magielnicki	McKay	At-Large Chairman’s
NEW POSITION	At-Large Chairman’s #2 Representative	Michael S. Donovan	McKay	At-Large Chairman’s
NEW POSITION	At-Large Chairman’s #3 Representative	Angela Howard	McKay	At-Large Chairman’s
NEW POSITION	At-Large Chairman’s #4 Representative	Penelope Gross	McKay	At-Large Chairman’s
NEW POSITION	At-Large Chairman’s #5 Representative	Michael Halligan	McKay	At-Large Chairman’s
NEW POSITION	At-Large Chairman’s #6 Representative		McKay	At-Large Chairman’s
NEW POSITION	Department of Housing and Community Development Representative		Confirmed by the Board	Confirmation

CONFIRMATIONS NEEDED:

- Ms. Jennifer Drake-Patrick as the George Mason University Representative
- Ms. Latoya Sivells as the Northern Virginia Community College Representative
- Ms. Meredith Ayala as the Fairfax County Public Schools Representative
- Ms. Julie Austin as the Fort Belvoir Army Base Installation Representative

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VETERANS AND MILITARY FAMILIES COMMISSION (3-YEAR TERMS)

Continued from previous page

CONFIRMATIONS NEEDED:

- Ms. Kevin Gaddis as the American Legion Representative
- Mr. Jamie Hurd as the Community Services Board Veterans Treatment Docket Representative
- Mr. Yonas Wondwossen as the Department of Family Services Representative
- Ms. Kelly Tubbs as the DC VA Medical Center Representative
- Mr. Jamie Gaucher as the Department of Economic Initiatives Representative
- Ms. Natalia Giscombe-Simons as the Health Department Representative
- Ms. Katrina Wayne as the Office to Prevent and End Homelessness Representative
- Mr. Vonzell Mattocks as the Northern Virginia Regional Commission Representative
- Mr. Gerald Krueger as the Veterans of Foreign Wars (VFW) Representative

Board Agenda Item
May 21, 2024

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
May 21, 2024

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
May 21, 2024

ADMINISTRATIVE - 1

Extension of Review Period for 2232 Application for a Telecommunications Tower at Bull Run Marina (Springfield District)

ISSUE:

Extension of review period for 2232 application to ensure compliance with review requirements of *Section 15.2-2232 of the Code of Virginia*.

PROJECT DESCRIPTION:

Milestone Towers is requesting 2232 approval to construct a telecommunications facility at the Bull Run Marina parking lot. The 2232 application will be reviewed concurrently with a Special Exception application (SE-2024-SP-00014). The 2232 extension request is to allow sufficient time for the applicant to conduct community outreach and to coordinate the 2232 request with the Special Exception.

The review period for the following application should be extended:

2232-2024-SP-00003 Milestone Towers
Tax Map No. 94-2 ((1)) 7
12619 Old Yates Ford Rd Clifton, VA 20124
Springfield District
Accepted on April 15, 2024
Extend to March 26, 2025

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2024-SP-00003.

TIMING:

Board action is requested on May 21, 2024, to extend the review period for the application to March 26, 2025.

BACKGROUND:

Subsection B of Section 15.2-2232 of the Code of Virginia states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

Board Agenda Item
May 21, 2024

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Tracy Strunk, Director, Department of Planning and Development (DPD)

Salem Bush, Branch Chief, Facilities and Plan Development Branch, Planning Division,
(DPD)

Mohamed Ali, Planner II, Facilities and Plan Development Branch, Planning Division,
(DPD)

Board Agenda Item
May 21, 2024

ADMINISTRATIVE – 2

Streets into the Secondary System – Brightview Fair Oaks (Springfield District)

ISSUE:

Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Brightview Fair Oaks	Springfield	Crouch Drive

TIMING:

Board approval is requested on May 21, 2024

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Street Acceptance Form for Board of Supervisors Resolution

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 7976-SP-001</p> <p>SUBDIVISION PLAT NAME: Brightview Fair Oaks</p> <p>COUNTY MAGISTERIAL DISTRICT: Springfield</p>
<p>ENGINEERING MANAGER: Robert H. Burton</p> <p>BY: <u>Robert H. Burton</u> <small>Digitally signed by Robert H. Burton Date: 2024.04.09 09:13:11 -04'00'</small></p>	<p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>04/03/2024</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Crouch Drive	Crouch Drive, Route 10075 - 205' N CL Cruz Court, Route 10207	66' N to End of Cul-de-Sac	0.01

NOTES:	TOTALS:
Grass Areas on the Cul-de-Sac sides are not to be maintained by VDOT	0.01

Board Agenda Item
May 21, 2024

ADMINISTRATIVE - 3

Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate one individual as Plans Examiners to participate in the Expedited Land Development Review Program pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board (APEB).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

Designate the following individual, identified with his registration number, as a Plans Examiner:

Christopher Andrew Smith Reg. No. 351

TIMING:

Board approval is requested on May 21, 2024.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Department of Land Development Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of his application and credentials, the APEB has found that the candidates listed above satisfy these requirements. This finding was documented in a letter dated February 21, 2024, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Jeffrey C. McKay.

Board Agenda Item
May 21, 2024

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – One letter dated 2/21/2024, from Chairman James H. Scanlon, of the APEB, to Chairman Jeffrey C. McKay

Attachment II – Memorandum dated 4/12/2024, from Director William D. Hicks, Land Development Services to Chairman Jeffrey C. McKay

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Department of Land Development Services



Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Uw
Suite 115 East
Chantilly, VA 20151
703-263-2232

Board of Directors

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Bob Brown, P.E.
.12 Engineering

Vice Chairman
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ESE Consultants, Inc.

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Bowman Consulting Group

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Fairfax County - SD1D

Directors
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Town of Leesburg

Xisha Cheriathundam, P.E.
Pennoni Associates

Peter Crawford
Urban, Ltd.

John Cummings, P.E.
Rinker Design Associates, P.C

Brian Dofflmycr
City of Alexandria, f&FS

Currently Vacant
Virginia Department of Transportation

Frank Graziano, P.E.
Wetland Studies & Solutions, Inc.

Paul B. Johnson, P.E.
Charles P. Johnson & Associates, Inc.

John Lvctov, P.E.
LMEG Corporation

Kevin E. Murray, P.E.
Tri-Tek Engineering

Joshua Reynolds, P.E.
Greenway Engineering

J. Keith Sinclair, Jr., P.E.
A. Morton Thomas & Associates, Inc.

Ross Stilling
Fairfax Water

Anita M. Tierney Steven Plckeral
Loudoun County, B&D

Bryan James
Bohler Engineering, P.C.

Current Past Chairman
Glen Faunce, P.E.
Dewberry

Executive Director
Jeffrey L. Blackford, P.E.

February 21, 2024

Hon. Jeffrey C. McKay Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Chairman McKay:

The following named individual was approved by the Fairfax County Advisory Plans Examiner Board for recommendation as Designated Plans Examiner:

Name	Reg. No
Christopher Andrew Smith	351

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E. LS
Chairman
Fairfax County Advisory Plans Examiner Board




County of Fairfax, Virginia

MEMORANDUM

DATE: April 12, 2024

TO: Jeffrey C. McKay, Chairman
Board of Supervisors

FROM: William D. Hicks, P.E., Director 
Department of Land Development Services

SUBJECT: Designation of Plans Examiner Status under the Expedited Land Development Review Program

Attached is one letter from James H. Scanlon, Chairman of the Advisory Plans Examiner Board (APEB). In Mr. Scanlon's letter, he details the recommendation of the APEB that the Board of Supervisors designate one individual as Designated Plans Examiners.

The Department of Land Development Services plans to forward an Administrative Item to the Board of Supervisors for the May 21st, 2024, meeting.

Attachment: As Stated

cc: Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



Board Agenda Item
May 21, 2024

ADMINISTRATIVE - 4

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Sugarland Road (Dranesville District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Sugarland Road from Fairfax County Parkway to Leesburg Pike (Dranesville District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on May 21, 2024, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Sugarland Road (Dranesville District) meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On March 22, 2024, FCDOT received verification from the Dranesville District Supervisor’s office confirming community support.

Board Agenda Item
May 21, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

For the "\$200 Additional Fine for Speeding" signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Sugarland Road
Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Sugarland Road

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
SUGARLAND ROAD
DRANESVILLE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, May 21, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Sugarland Road from Fairfax County Parkway to Leesburg Pike. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Sugarland Road.

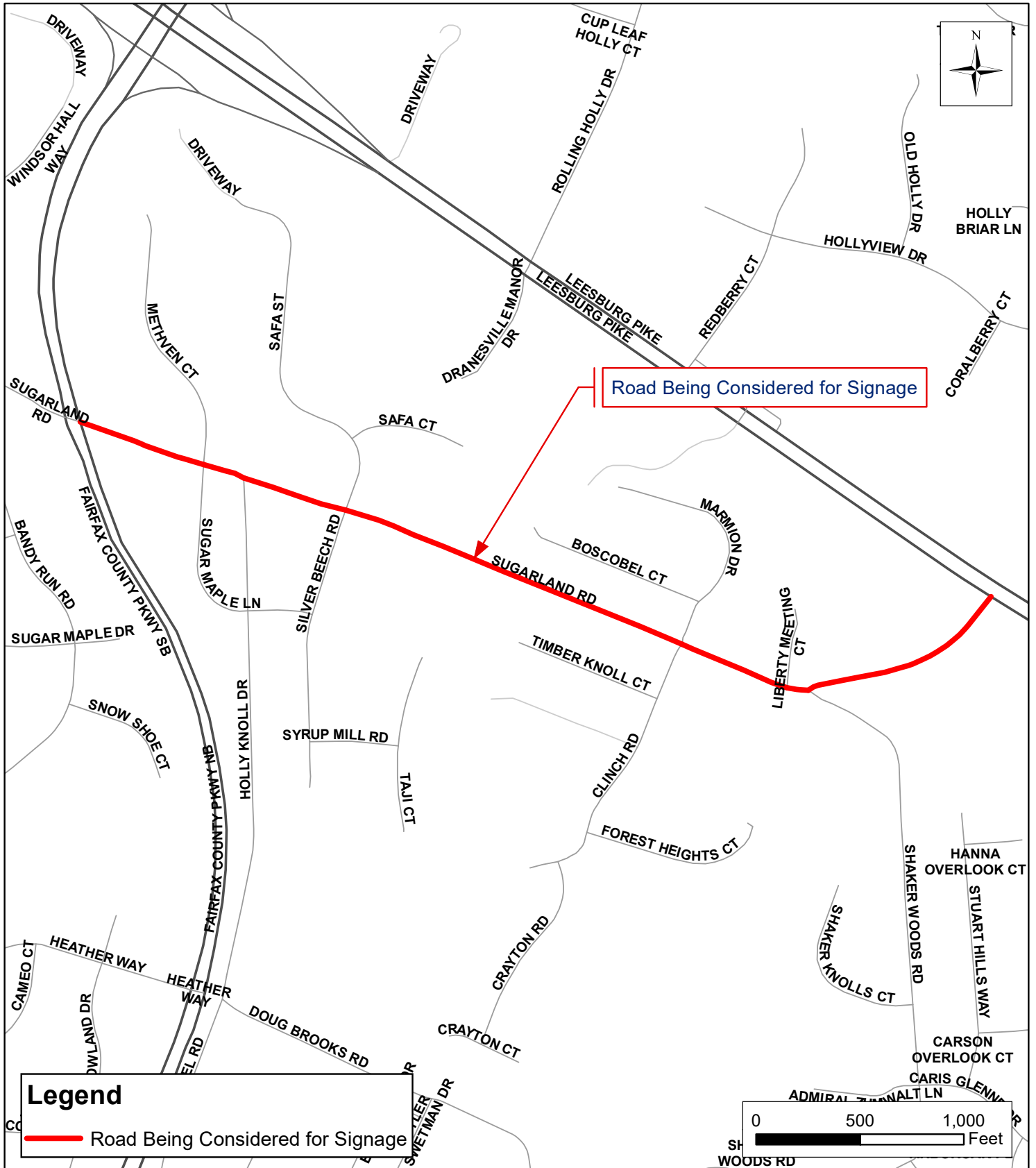
NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Sugarland Road from Fairfax County Parkway to Leesburg Pike.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 21st day of May, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 6-1, 6-2, 11-1, 11-2

April 2024

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Sugarland Road
 Dranesville District**



Board Agenda Item
May 21, 2024

ADMINISTRATIVE - 5

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Lisle Avenue (Dranesville District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) endorsing a traffic calming plan for Lisle Avenue (Attachment II) consisting of the following:

- Two Speed Humps on Lisle Avenue (Dranesville District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure(s) as soon as possible.

TIMING:

Board action is requested on May 21, 2024, to allow the proposed measure(s) to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community. On April 9, 2024, FCDOT received verification from the Dranesville District Supervisor's office confirming community support for the Lisle Avenue traffic calming plan.

Board Agenda Item
May 21, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

Funding in the amount of \$40,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Lisle Avenue

Attachment II: Traffic Calming Plan for Lisle Avenue

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
LISLE AVENUE
DRANESVILLE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, May 21, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Lisle Avenue have requested the Dranesville District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Lisle Avenue; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Lisle Avenue indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

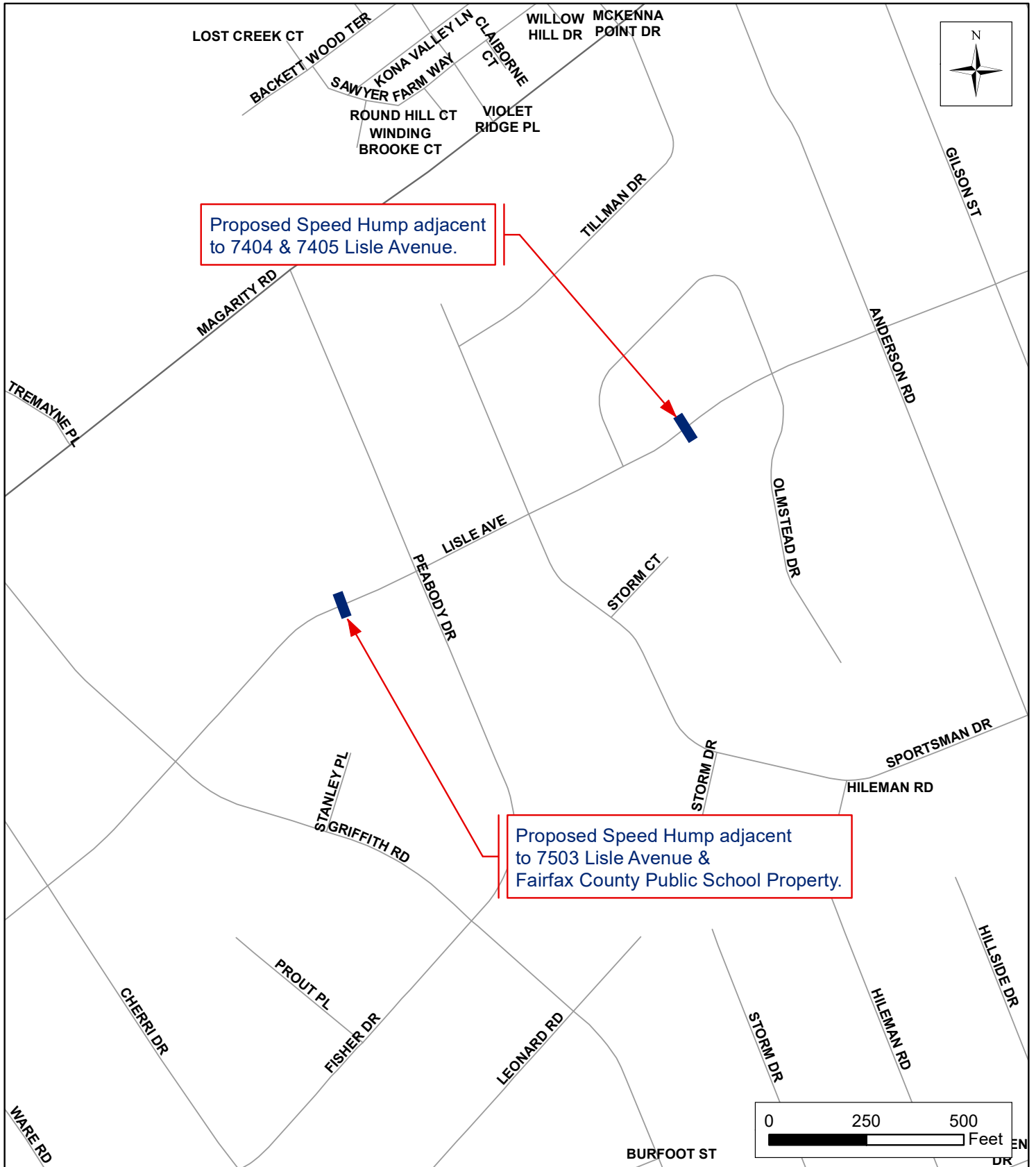
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Lisle Avenue as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 21st day of May, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 30-3, 40-1

April 2024

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Traffic Calming Plan
 Lisle Avenue
 Dranesville District**



ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-8, 7-2-13, and 7-3-2, to Consolidate the Hummer and Woodburn Precincts in the Mason District; Relocate the Greenspring Precinct's Polling Place in the Franconia District; Rename the Polling Places for the Woodson #1 and Woodson #2 Precincts in the Braddock District, the Huntley Precinct in the Franconia District, and the Island Pond Precinct in the Springfield District; and Remove the Voter Satellite Office at the Gerry Hyland Governmental Center (Mason, Franconia, Braddock, Springfield and Mount Vernon Districts)

ISSUE:

Authorization to advertise a Public Hearing to consider an ordinance that proposes to amend and readopt *Fairfax County Code* §§ 7-2-8, 7-2-13, and 7-3-2 to consolidate the Hummer precinct with the Woodlawn Precinct; relocate the polling place for the Greenspring precinct; rename the polling places for Huntley precinct, Island Pond precinct and Woodson #1 and #2 precincts; and remove the voter satellite office at the Gerry Hyland Governmental Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, June 25, 2024, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on May 21, 2024, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on June 25, 2024, at 4:00 p.m. Adoption on this date will ensure sufficient time to file a request for a Certification of No Objection from the Attorney General of Virginia and properly, timely notify voters of these changes in advance of the next election, which, by the time the of the public hearing, will be the General Election on Tuesday, November 5, 2024.

BACKGROUND:

The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of *Virginia Code* §§ 24.2-307, -310, and -310.1.

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Virginia Code § 24.2-129 also requires that certain “covered practices” go through either a statutorily specified public comment process or receive a Certification of No Objection from the Attorney General before the practices can be given effect. The public comment process takes a minimum of 75 days to complete, while the Attorney General process takes a maximum of 60 days to complete.

Among the “covered practices” identified are any changes that relocate polling places in the County, including relocation as a result of consolidation. Additionally, the Virginia Department of Elections has instructed that reductions in the number of voter satellite offices should also be treated as a “covered practice.” The Board must first adopt an ordinance making the proposed changes. If and after the Board adopts the ordinance, the County Attorney will file a request for a Certification of No Objection with the Virginia Attorney General, in accordance with *Virginia Code § 24.2-129(D)*.

In the Mason District, staff recommend consolidation of the Hummer precinct (2,251 voters) with the Woodburn precinct (1,401 voters). Currently, the polling place for the Hummer precinct is the Fred Packard Center, 4022 Hummer Road, Annandale. Although located within the Hummer precinct, the facility is in Annandale Community Park, and is not easily accessible by foot traffic either from public transit or from the surrounding neighborhoods. The size and configuration of the building has become increasingly challenging due to the increased space requirements for the voting equipment. The polling place for the Woodburn precinct, Woodburn Elementary School, 3401 Hemlock Drive, Falls Church, is located less than ¼ mile from the northern precinct boundary of the Hummer precinct and provides accessible routes by foot and public transit (Gallows and Hemlock stop). Consolidating the Hummer precinct with the Woodburn precinct would bring the total number of voters in Woodburn Precinct to approximately 3,500 voters, an increase that can be accommodated at Woodburn Elementary School. This consolidation will provide the current Hummer voters a location with greater overall accessibility. Additionally, as required by *Virginia Code § 24.2-307*, these two precincts share all the same political districts.

In the Franconia District, on December 5, 2023, and due to the ongoing renovation of the Greenspring Conference Center, the Board of Supervisors authorized the relocation of the polling place for the Greenspring precinct from the Conference Center to Village Square, another building located inside the Greenspring precinct’s boundary. Those renovations are now complete, and with the Greenspring Community’s approval, staff recommend moving the polling place back to the Greenspring Conference Center. Additionally in the Franconia District, on April 13, 2024, St. Mark’s Episcopal Church notified the Office of Elections that the church changed its name to St. Martin de Porres Episcopal Church. All voters affected by these changes will be notified no later than two weeks prior to the November 5, 2024, General Election. Staff recommend recognizing and adopting these changes.

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In Braddock District, the Fairfax County School Board voted on November 9, 2023, to change the name of the polling place for Woodson #1 precinct and Woodson #2 precinct from W. T. Woodson High School to Carter G. Woodson High School, starting in the school year 2024-2025. All voters affected by this change will be notified no later than two weeks prior to the November 5, 2024, General Election. Staff recommend recognizing and adopting this change.

In Springfield District, on November 23, 2023, Fairfax County Park Authority changed the name of the polling place for Island Pond precinct from Oak Marr Recreation Center to Oakmont Recreation Center. Staff recommend recognizing and adopting this change.

Additionally, *Virginia Code § 24.2-701.2* allows the governing body of each county and city to establish the locations of voter satellite offices by ordinance. The Board may establish as many voter satellite offices as it deems necessary to support countywide absentee voting in person, subject to the physical and accessibility requirements of *Virginia Code § 24.2-701.2*.

In June 2021, the Board added the Gerry Hyland Governmental Center (GHGC), located at 8350 Richmond Highway in Alexandria, as a voter satellite office. Due to the COVID pandemic, the Office of Elections planned to offer an early voting drive-through option at this location, however, ballot security requirements prevented the use of the site for that purpose. Early voting for the November 2021 General Election was relocated to the second-floor community room inside the building. The high volume of public use on the first floor of the GHGC, along with parking challenges, limited accessibility for the second-floor voting room, and the reopening of the Lorton Community Center in May 2022, contributed to the decision not to open the voter satellite office in the GHGC after the November 2021 General Election. For the same reasons, there are no plans to use this location as a voter satellite office in the future. Therefore, the Electoral Board, General Registrar, and Office of Elections staff recommend that it be removed as a voter satellite office.

EQUITY IMPACT:
None.

FISCAL IMPACT:
Consolidating the Hummer precinct with the Woodburn precinct will save personnel costs (election officers) of approximately \$2000 per election. Funding for precinct and polling place change notifications is provided in the agency's FY 2024 Adopted Budget. As the GHGC has not been used as a voter satellite office since 2021, its removal will have no fiscal impact.

Board Agenda Item
May 21, 2024

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts, Polling Places, and
Voter Satellite Offices

Attachment 2: Summary of Proposed Polling Place Changes

Attachment 3: Descriptions and Maps of Proposed Polling Place Changes

Attachment 4: Map of Voter Satellite Offices showing Removal of the GHGC

Attachment 5: Proposed Ordinance

STAFF:

Ellicia Seard-McCormick, Deputy County Executive

Katherine K. Hanley, Chairman of the Electoral Board

Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

John A. Dorsey, Assistant County Attorney

§ 24.2-307 (in part). Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#); 2020, c. [1268](#).

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary, unless a waiver has been granted pursuant to subsection G. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot

Attachment 1

to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

G. The general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements of subsection A in the event that there is no suitable building that could be used within the precinct or within one mile of the precinct boundary. The Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#); 2022, c. [5](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

1993, c. 904, § 24.1-37.1; 1993, c. 641.

§ 24.2-129. Covered practices; actions required prior to enactment or administration.

A. For the purposes of this section:

"Certification of no objection" means a certification issued by the Attorney General that there is no objection to the enactment or administration of a covered practice by a locality because the covered practice neither has the purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

"Covered practice" means:

1. Any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;
2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American Community Survey data;
3. Any change to the boundaries of election districts or wards in the locality, including changes made pursuant to a decennial redistricting measure;
4. Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or that limits or impairs the creation or distribution of voting or election materials in any language other than English; or
5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.

"Voting age population" means the resident population of persons who are 18 years of age or older, as determined by the most recent American Community Survey data available at the time any change to a covered practice is published pursuant to subsection B.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall cause to be published on the official website for the locality the proposed covered practice and general notice of opportunity for public comment on the proposed covered practice. The governing body shall also publicize the notice through press releases and such other media as will best serve the purpose and subject involved. Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment.

Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail, fax, or email, or through an online public comment forum on the official website for the locality if one has been established. The governing body shall conduct at least one public hearing during this period to receive public comment on the proposed covered practice. The governing body may make changes to the proposed covered practice in response to public comment received. If doing so, the revised covered practice shall be published and public comment shall be accepted in accordance with this subsection, except the public comment period shall be no fewer than 15 days.

C. Following the public comment period or periods prescribed in subsection B, the governing body shall publish the final covered practice, which shall include a plain English description of the practice and the text of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials, and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person who will be subject to or affected by the covered practice may challenge in the circuit court of the locality where the

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covered practice is to be implemented the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of following the provisions of subsections B and C, may submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect until the Attorney General has issued such certification. A certification of no objection shall be deemed to have been issued if the Attorney General does not interpose an objection within 60 days of the governing body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. An affirmative indication by the Attorney General that no objection will be made or the absence of an objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

2021, Sp. Sess. I, cc. [528](#), [533](#).

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.

Any registered voter offering to vote absentee in person shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § [24.2-706](#).

Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § [24.2-643](#). If he does not show one of the forms of identification specified in subsection B of § [24.2-643](#), he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § [24.2-1016](#), that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § [24.2-649](#), may be assisted in preparation of this statement in accordance with that section. The provisions of § [24.2-649](#) regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § [24.2-653](#). The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to § [24.2-653.01](#) and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar or a voter satellite office established pursuant to § [24.2-701.2](#). For purposes of this chapter, such offices shall be open to the public a minimum of eight hours between the

Attachment 1

hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. The electoral board or general registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

D. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection C are located in the office of the general registrar or voter satellite office and (ii) the general registrar or a deputy registrar is present.

E. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § [24.2-653](#). The identification requirements of subsection B of § [24.2-643](#) and subsection A of § [24.2-653](#) shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § [24.2-653.01](#) and this section.

2019, cc. [278](#), [668](#), [669](#); 2020, cc. [735](#), [856](#), [1064](#), [1065](#), [1149](#), [1151](#), [1201](#); 2021, Sp. Sess. I, c. [204](#); 2022, c. [140](#).

§ 24.2-701.2. Absentee voting in person; voter satellite offices.

A. The governing body of any county or city may establish, by ordinance, voter satellite offices to be used in the locality for absentee voting in person. The governing body may establish as many offices as it deems necessary. No change in, including the creation or abolishment of, any voter satellite office shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the locality once a week for two successive weeks.

B. Any voter satellite office shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ [24.2-](#)

Attachment 1

[701](#) and [24.2-706](#). Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

C. Voter satellite offices shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the acts.

D. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each voter satellite office for the conduct of elections.

E. Not later than 55 days prior to any election, the general registrar shall post notice of all voter satellite office locations in the locality and the dates and hours of operation of each location in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee voting in person is available. If the county or city does not have an official website, such notice shall be published in a newspaper of general circulation in the county or city at least once prior to the election but not later than 55 days prior to such election.

F. If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar shall provide an alternative voter satellite office, subject to the approval of the State Board, and shall give notice of the change in the location of the voter satellite office. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

G. The provisions of subsection E of § [24.2-310](#) providing certain limited circumstances in which a local electoral board may approve an exception to the prohibition on the distribution of campaign materials inside the prohibited area outside of a polling place shall apply to voter satellite offices and the building in which such offices may be located.

H. A voter satellite office established pursuant to this section shall be deemed to be the equivalent of an office of the general registrar for purposes of completing an application for an absentee ballot in person pursuant to §§ [24.2-701](#), [24.2-701.1](#), and [24.2-706](#).

2020, cc. [856](#), [1149](#), [1151](#), [1201](#).

JUNE 2024 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES

SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
BRADDOCK	117 Woodson #1	2,115	W. T. Woodson High School	117 Woodson #1	2,115	Carter G. Woodson High School	The Fairfax County School Board will change the name of the polling place beginning in the school year 2024-2025.
BRADDOCK	136 Woodson #2	1,129	W. T. Woodson High School	136 Woodson #2	1,129	Carter G. Woodson High School	The Fairfax County School Board will change the name of the polling place beginning in the school year 2024-2025.
FRANCONIA	424 Huntley	2,913	St. Mark's Episcopal Church	424 Huntley	2,913	St. Martin de Porres Episcopal Church	The Office of Elections was notified that the church changed its name.
FRANCONIA	426 Greenspring	1,825	Village Square	426 Greenspring	1,825	Greenspring Conference Center	With renovations completed, the polling place will return to the Greenspring Conference Center.
MASON	519 Hummer 536 Woodburn	2,248 1,403	Fred Packard Center Woodburn Elementary School	536 Woodburn	3,651	Woodburn Elementary School	To provide a more accessible polling place for Hummer voters, the Hummer precinct will be consolidated with the Woodburn precinct.
SPRINGFIELD	857 Island Pond	191	Oak Marr Recreation Center	857 Island Pond	191	Oakmont Recreation Center	In November 2023, the Fairfax County Park Authority changed the name of the polling place.

* VERIS registered voters as of 041524 - Reports Library_Statistics_Registrant_Counts_By_Locality

Commonwealth of Virginia
COUNTY OF FAIRFAX
BRADDOCK District

PRECINCT: **117 WOODSON #1**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **35**
HOUSE OF DELEGATES DISTRICT: **15**

DESCRIPTION:

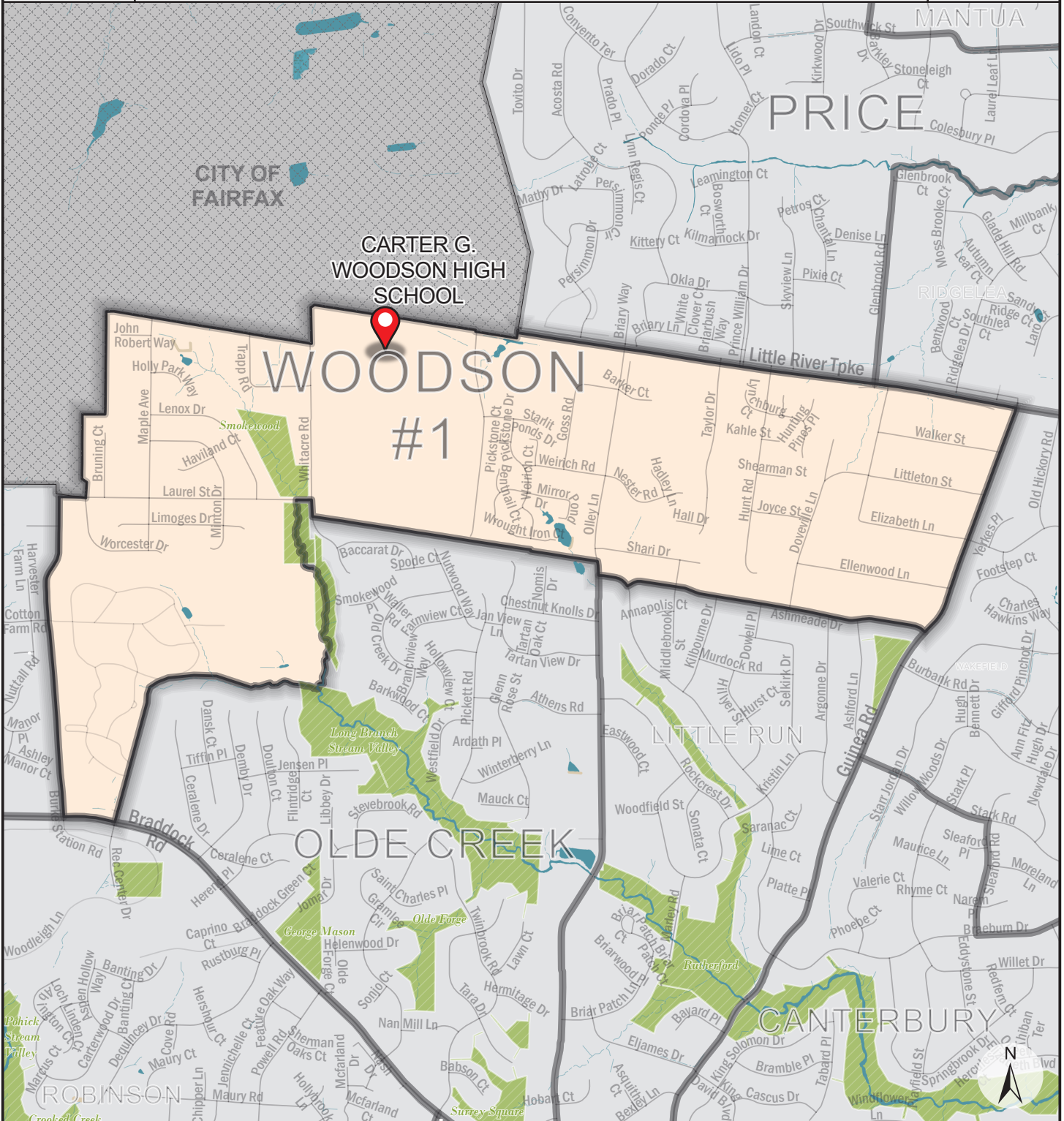
Beginning at the intersection of Burke Station Road and the corporate boundary of the City of Fairfax, follow the corporate boundary east to Little River Turnpike (Route 236); follow Little River Turnpike (Route 236) in an easterly direction to its intersection with Guinea Road; follow Guinea Road in a southwesterly direction to its intersection with Ashmeade Drive; follow Ashmeade Drive in a westerly direction to its intersection with Braeburn Drive; follow Braeburn Drive in a westerly direction to its intersection with Olley Lane; follow Olley Lane in a northerly direction to its intersection with an abandoned outlet road (south of Wrought Iron Court); follow the outlet road and a projection of the outlet road in a westerly direction to its intersection with the south boundary of the Fairfax County School Property on which Frost Intermediate School and Woodson High School are located; follow the boundary of the Fairfax County School Property in a westerly direction to its intersection with Whitacre Road; follow Whitacre Road north to its intersection with Laurel Street; follow Laurel Street west to its intersection with Long Branch (stream), thence with the meanders of Long Branch in a southerly direction to its intersection with an unnamed stream (west of Olde Creek Elementary School), thence with the unnamed stream and a projection of the unnamed stream in a westerly direction to its intersection with the western border of Census block 3008, thence with Census block 3008 in a generally southerly direction to its intersection with Braddock Road, thence with Braddock Road in a generally westerly direction to its intersection with Burke Station Road; follow Burke Station Road north to its intersection with the corporate boundary of the City of Fairfax, the point of beginning.

POLLING PLACE: Carter G. Woodson High School
9525 Main St, Fairfax

NOTES: Established June 1971
Precinct description revised and readopted – March 2003
Boundary adjusted – July 2011
Senate District changed from 35th to 34th – July 2011
Senate District changed from 35th to 34th – July 2011
Senatorial and House Districts changed – December 2021
Woodson split into Woodson #1 and Woodson #2 – March 2022
Polling place renamed by the Fairfax County School Board – August 2024



Commonwealth of Virginia County of Fairfax Braddock District



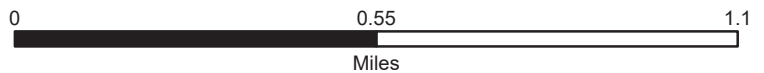
Precinct: 117 WOODSON #1

August 2024

Polling Place: CARTER G. WOODSON HIGH SCHOOL

Fairfax County Voting Precincts

Featured Polling Place



Commonwealth of Virginia
COUNTY OF FAIRFAX
BRADDOCK District

PRECINCT: **136 WOODSON #2**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **35**
HOUSE OF DELEGATES DISTRICT: **11**

DESCRIPTION:

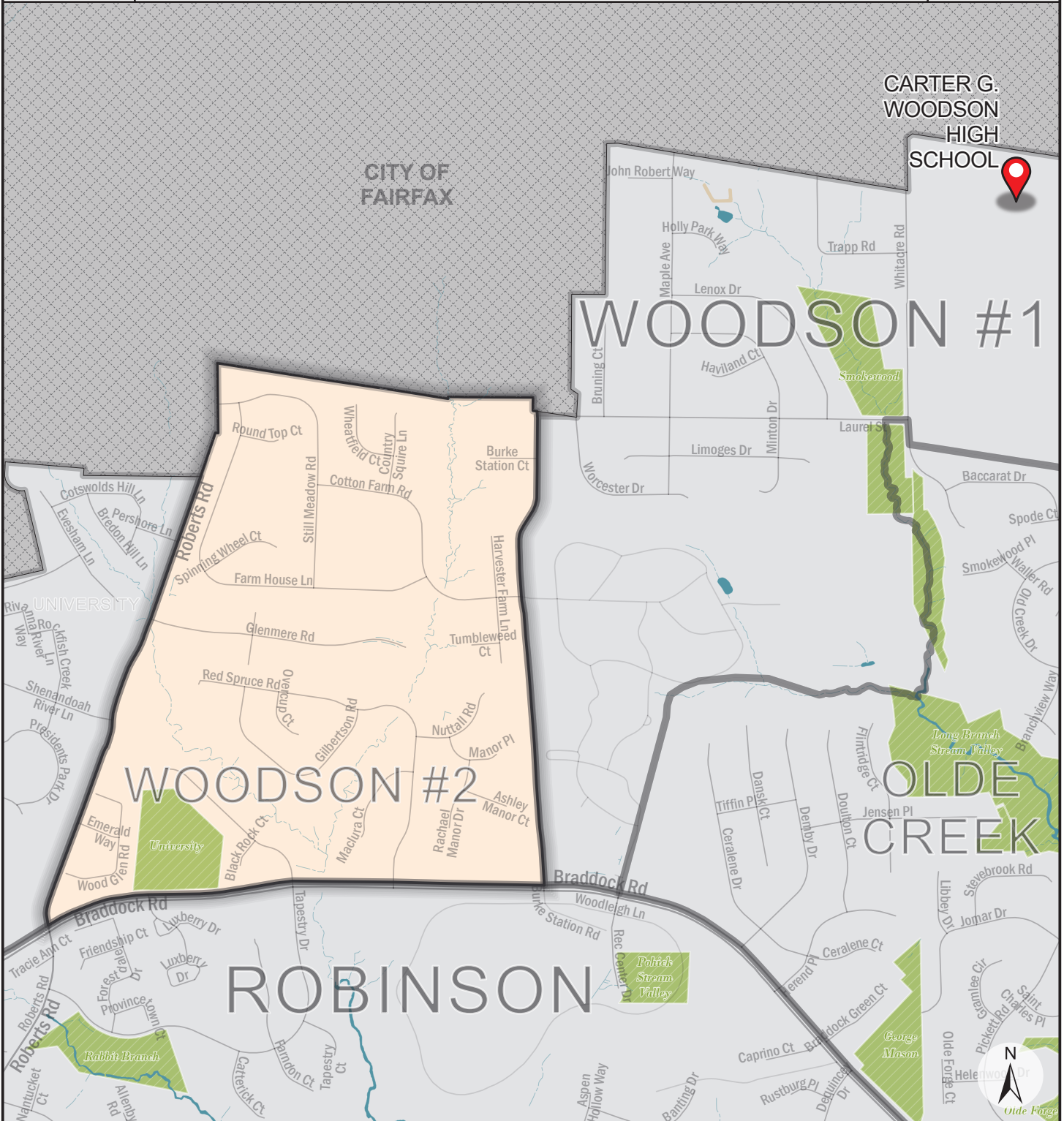
Beginning at the intersection of Roberts Road and the south corporate boundary of the City of Fairfax, go east along the corporate boundary to the intersection with Burke Station Road; follow Burke Station Road south to its intersection with Braddock Road; follow Braddock Road west to its intersection with Roberts Road; follow Roberts Road in a northeasterly direction to its intersection with the south corporate boundary of the City of Fairfax, the point of beginning.

POLLING PLACE: Carter G. Woodson High School
9525 Main St, Fairfax

NOTES: Established March 2022
Polling place renamed by the Fairfax County School Board – August 2024



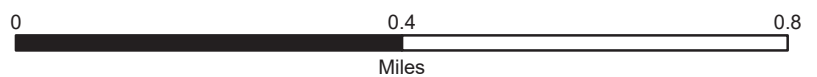
Commonwealth of Virginia County of Fairfax Braddock District



Precinct: 136 WOODSON #2
 Polling Place: CARTER G. WOODSON HIGH SCHOOL

August 2024

Fairfax County Voting Precincts
 Featured Polling Place



Commonwealth of Virginia
COUNTY OF FAIRFAX
LEE District

PRECINCT: **424 HUNTLEY**
CONGRESSIONAL DISTRICT: **8**
VIRGINIA SENATORIAL DISTRICT: **34**
HOUSE OF DELEGATES DISTRICT: **16**

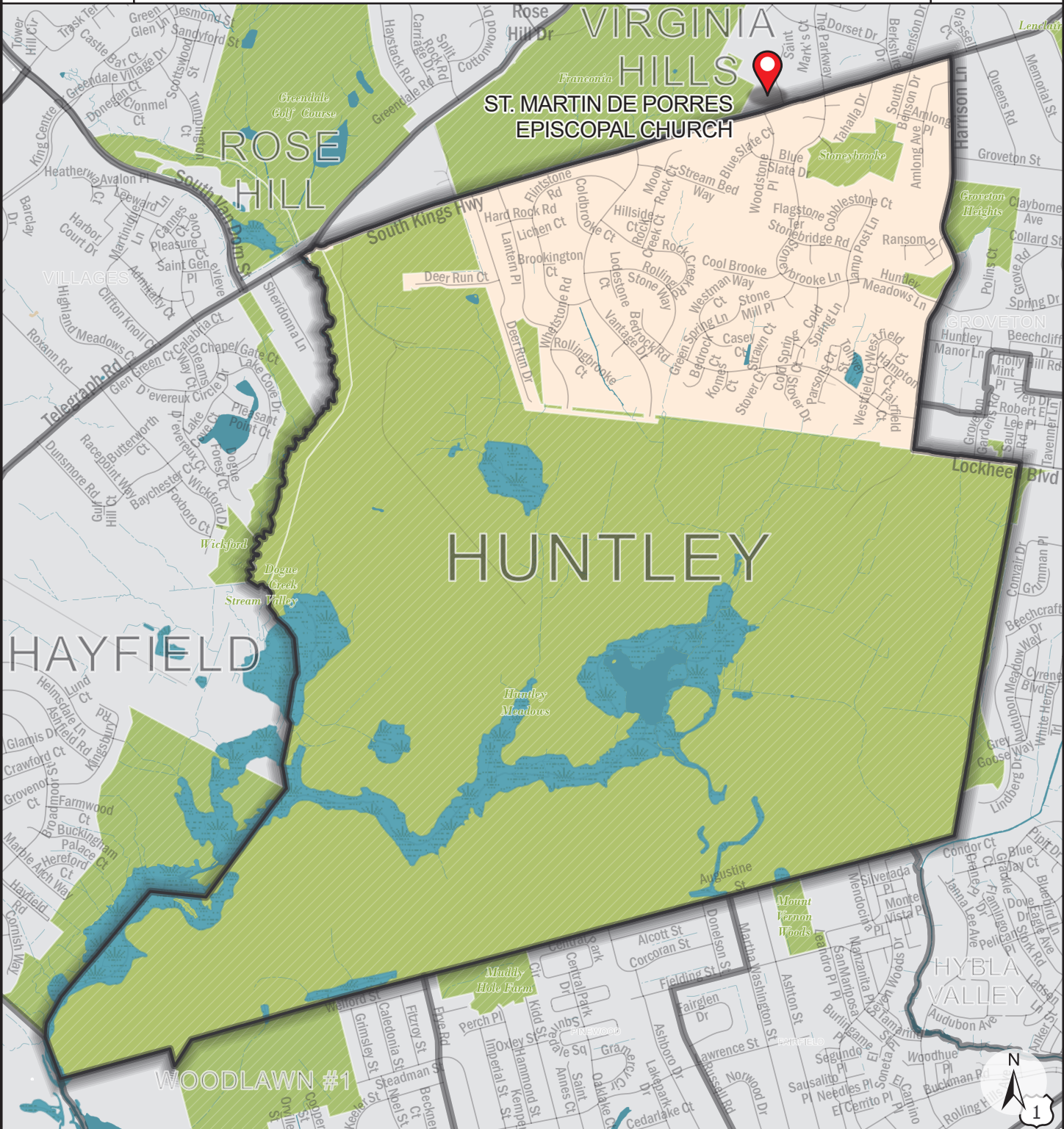
DESCRIPTION:

Beginning at the intersection of Dogue Creek and South Kings Highway, thence with South Kings Highway in a northeasterly direction to its intersection with Harrison Lane, thence with Harrison Lane in a southerly direction to its intersection with Lockheed Boulevard, thence with Lockheed Boulevard in an easterly direction to its intersection with the east boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southerly, then westerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a southwesterly direction to its intersection with the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southwesterly, then northwesterly direction to its intersection with Dogue Creek, thence with the meanders of Dogue Creek in a generally northeasterly direction to its intersection with South Kings Highway, point of beginning.

POLLING PLACE: ~~St. Mark's~~ St. Martin de Porres Episcopal Church
6744 South Kings Hwy, Alexandria

NOTES: Established August 2001
Precinct description revised and readopted – March 2003
Polling place moved – July 2016
Senatorial and House Districts changed – December 2021
Polling place renamed – June 2024

Commonwealth of Virginia
County of Fairfax
Franconia District



Precinct: 424 HUNTLEY
Polling Place: ST. MARTIN DE PORRES EPISCOPAL CHURCH

June 2024

Fairfax County Voting Precincts
 Featured Polling Place



Commonwealth of Virginia
COUNTY OF FAIRFAX
FRANCONIA District

PRECINCT: **426 GREENSPRING**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **35**
HOUSE OF DELEGATES DISTRICT: **18**

DESCRIPTION:

Beginning at the intersection of Accotink Creek and an unnamed tributary of Accotink Creek located near the northern most point of the Greenspring Village property, thence with the meanders of the unnamed tributary in a southeasterly direction to its intersection with the Franconia-Springfield Parkway (Route 289), thence with the Franconia-Springfield Parkway in a westerly, then southwesterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a northeasterly direction to its intersection with an unnamed tributary near the northern most point of the Greenspring Village property, point of beginning.

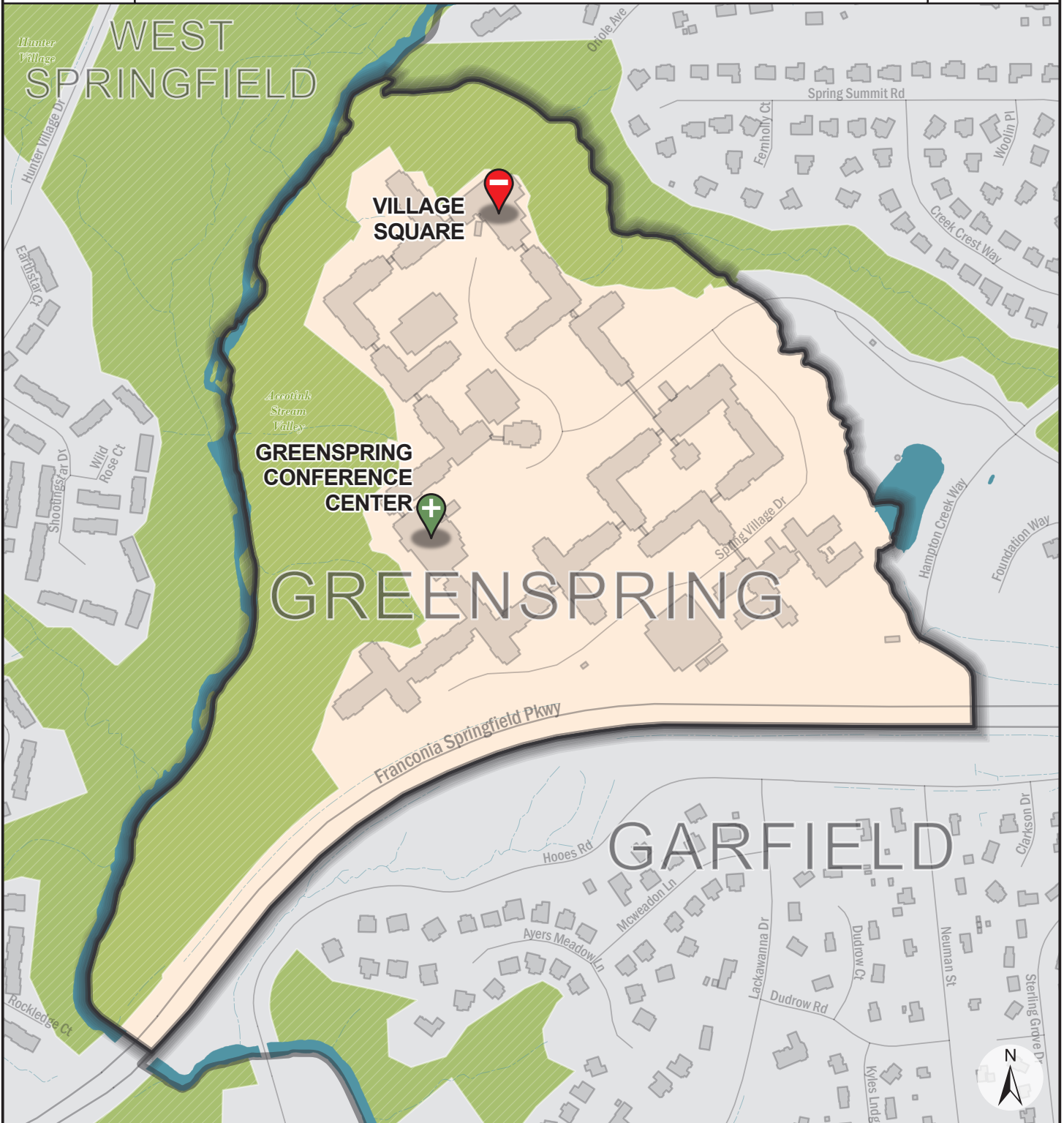
POLLING PLACE: ~~Village Square~~ Greenspring Conference Center
~~7410~~ 7430 Spring Village Dr, Springfield

NOTES: Established March 2003
Senatorial and House Districts changed – December 2021
Polling place moved – December 2023
Polling place moved – June 2024



Commonwealth of Virginia County of Fairfax

Franconia District



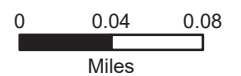
Current Precinct Name, Polling Place and Address:

June 2024

 426 GREENSRPING, Village Square, 7410 Spring Village Dr.

Proposed Precinct Name, Polling Place and Address:

 426 GREENSPRING, Greenspring Conference Center, 7430 Spring Village Dr.



Commonwealth of Virginia
COUNTY OF FAIRFAX
MASON District

PRECINCT: **536 WOODBURN**
CONGRESSIONAL DISTRICT: **8**
VIRGINIA SENATORIAL DISTRICT: **35**
HOUSE OF DELEGATES DISTRICT: **14**

DESCRIPTION:

Beginning at the intersection of Arlington Boulevard (Route 50) and the Capital Beltway (I-495), thence with Arlington Boulevard in an easterly direction to its intersection with Holmes Run (stream); thence with the meanders of Holmes Run (stream) in a generally southeasterly direction to its intersection with Annandale Road; thence with Annandale Road in a southwesterly direction to its intersection with ~~Gallows Road~~; thence with Gallows Road in a northwesterly direction to its intersection with Hummer Road; thence with Hummer Road in a southwesterly direction to its intersection with Little River Turnpike (Route 236), thence with Little River Turnpike in a westerly direction to its intersection with the Capital Beltway, thence with the Capital Beltway in a northerly direction to its intersection with Arlington Boulevard (Route 50), the point of beginning.

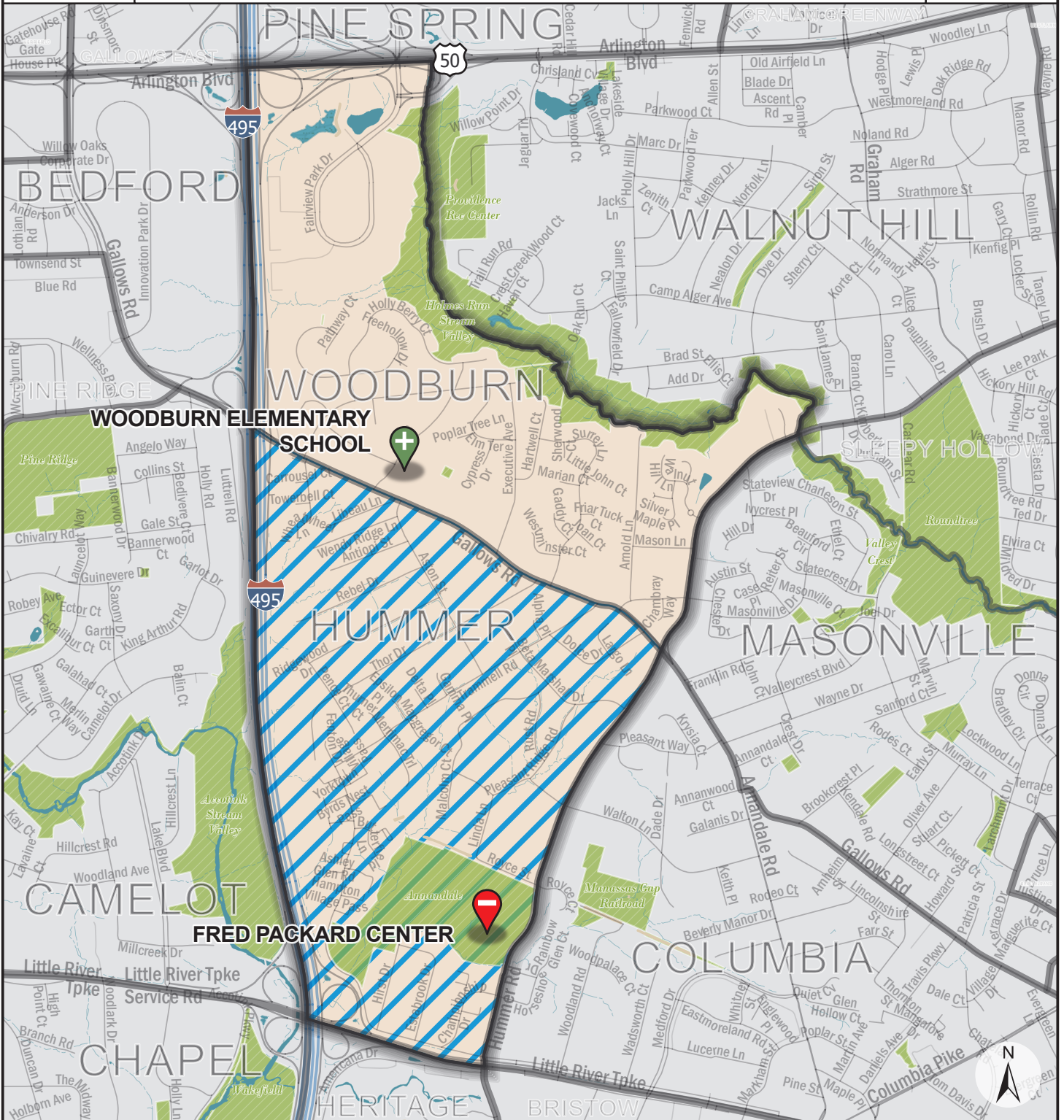
POLLING PLACE: Woodburn Elementary School
3401 Hemlock Dr, Falls Church

NOTES: Established May 1983
Precinct description revised and readopted - March 2003
Senate District changed from 35th to 37th - July 2011
Congressional District changed from 8th to 11th – January 2012
Congressional, Senatorial, House, and Magisterial Districts changed – December 2021
519 Hummer precinct consolidated with Woodburn precinct – June 2024



Commonwealth of Virginia County of Fairfax

Mason District



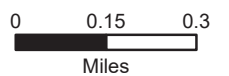
Current Hummer Precinct Name, Polling Place and Address:

June 2024

 519 HUMMER, Fred Packard Center, 4022 Hummer Rd.

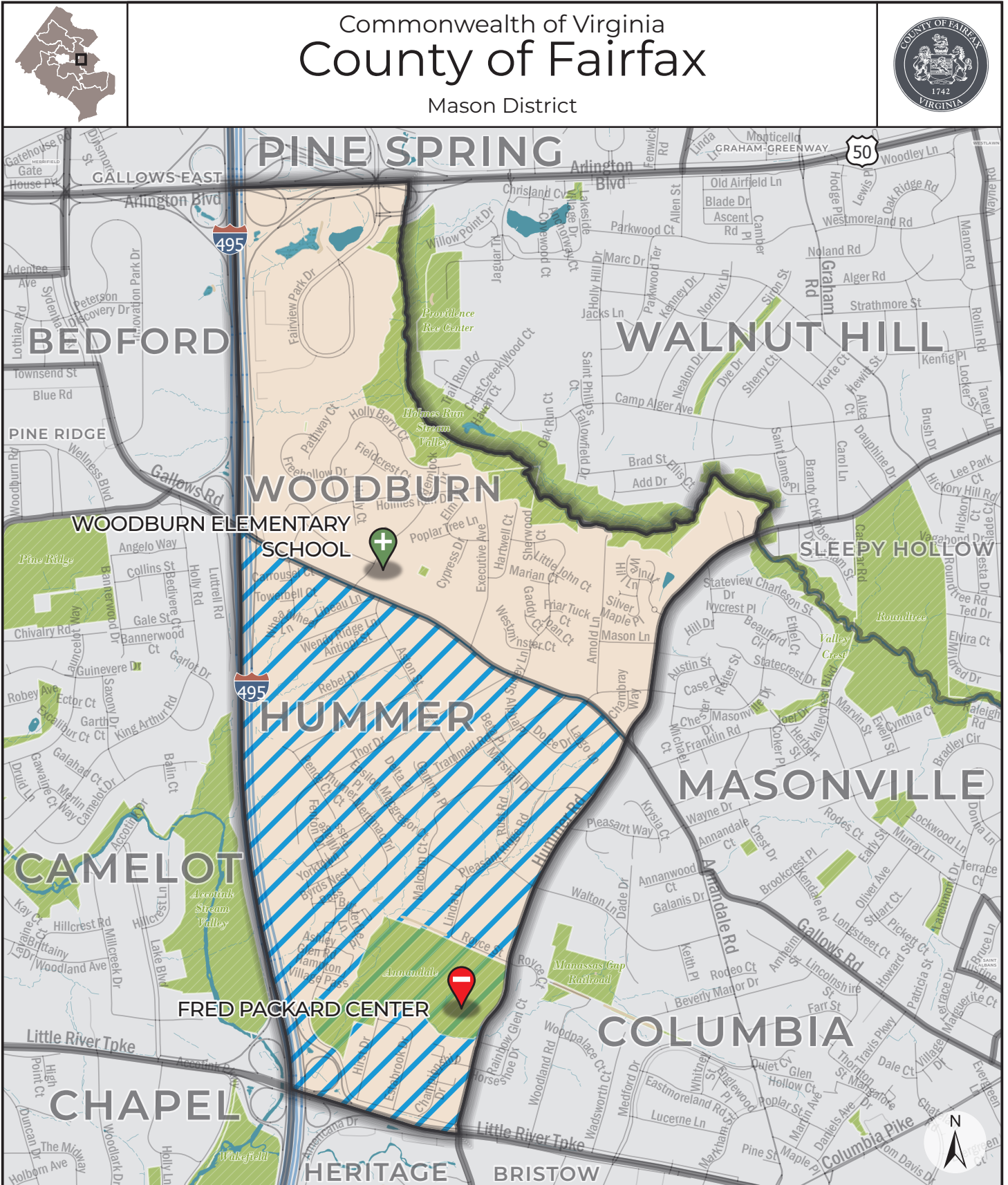
Proposed Woodburn Precinct Name, Polling Place and Address:

 536 WOODBURN, Woodburn Elementary School, 3401 Hemlock Dr.



Commonwealth of Virginia County of Fairfax

Mason District




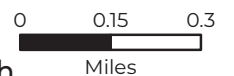
Current Hummer Precinct Name, Polling Place and Address:

June 2024

 519 HUMMER, Fred Packard Center, 4022 Hummer Rd. , Annandale

Proposed Woodburn Precinct Name, Polling Place and Address:

 536 WOODBURN, Woodburn Elementary School, 3401 Hemlock Dr. , Falls Church



Commonwealth of Virginia
COUNTY OF FAIRFAX
SPRINGFIELD District

PRECINCT: **857 ISLAND POND**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **37**
HOUSE OF DELEGATES DISTRICT: **11**

DESCRIPTION:

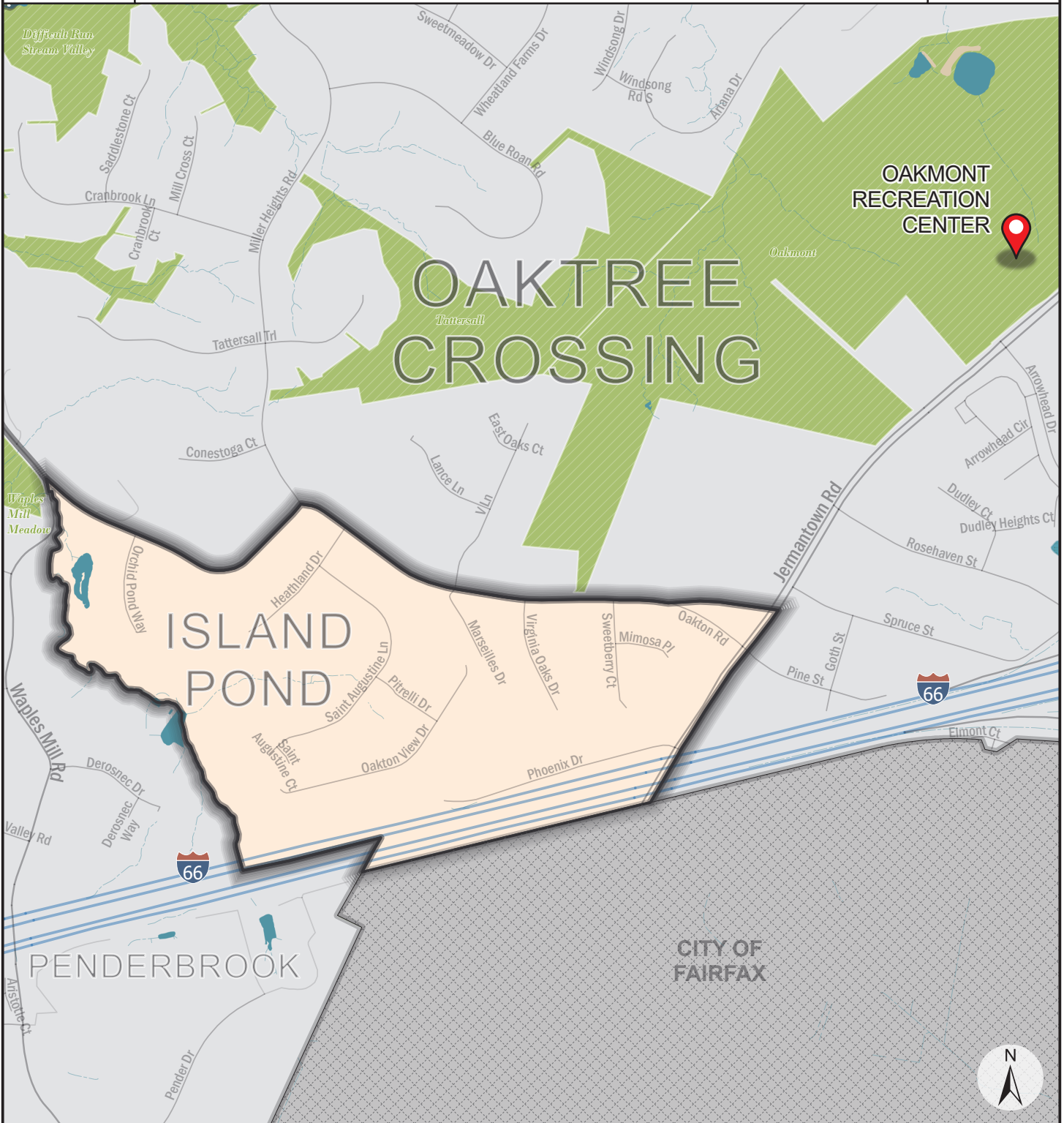
Beginning at the intersection of Waples Mill Road and Oakton Road, thence with Oakton Road in a generally easterly direction to its intersection with Jermantown Road, thence with Jermantown Road in a southwesterly direction to its intersection with the north corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax line in a generally westerly direction to its intersection with the eastern boundary of Census Block line 1019, these follow the Census Block line 1019 to its intersection with Route 66, thence with Route 66 in a westerly direction to its intersection with the unnamed creek/eastern boundary of Census Block line 1005, thence with the meanders of the creek/Census Block line 1005 to its intersection with Waples Mill Road, thence with Waples Mill Road in a northerly direction to its intersection to Oakton Road, point of beginning.

POLLING PLACE: ~~Oak Marsh~~ Oakmont Recreation Center
3200 Jermantown Rd, Oakton

NOTES: Established - March 2022
Name changed by Fairfax County Park Authority - November 2023



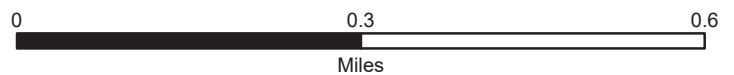
Commonwealth of Virginia
County of Fairfax
Springfield District



Precinct: 857 ISLAND POND
Polling Place: OAKMONT RECREATION CENTER

November 2023

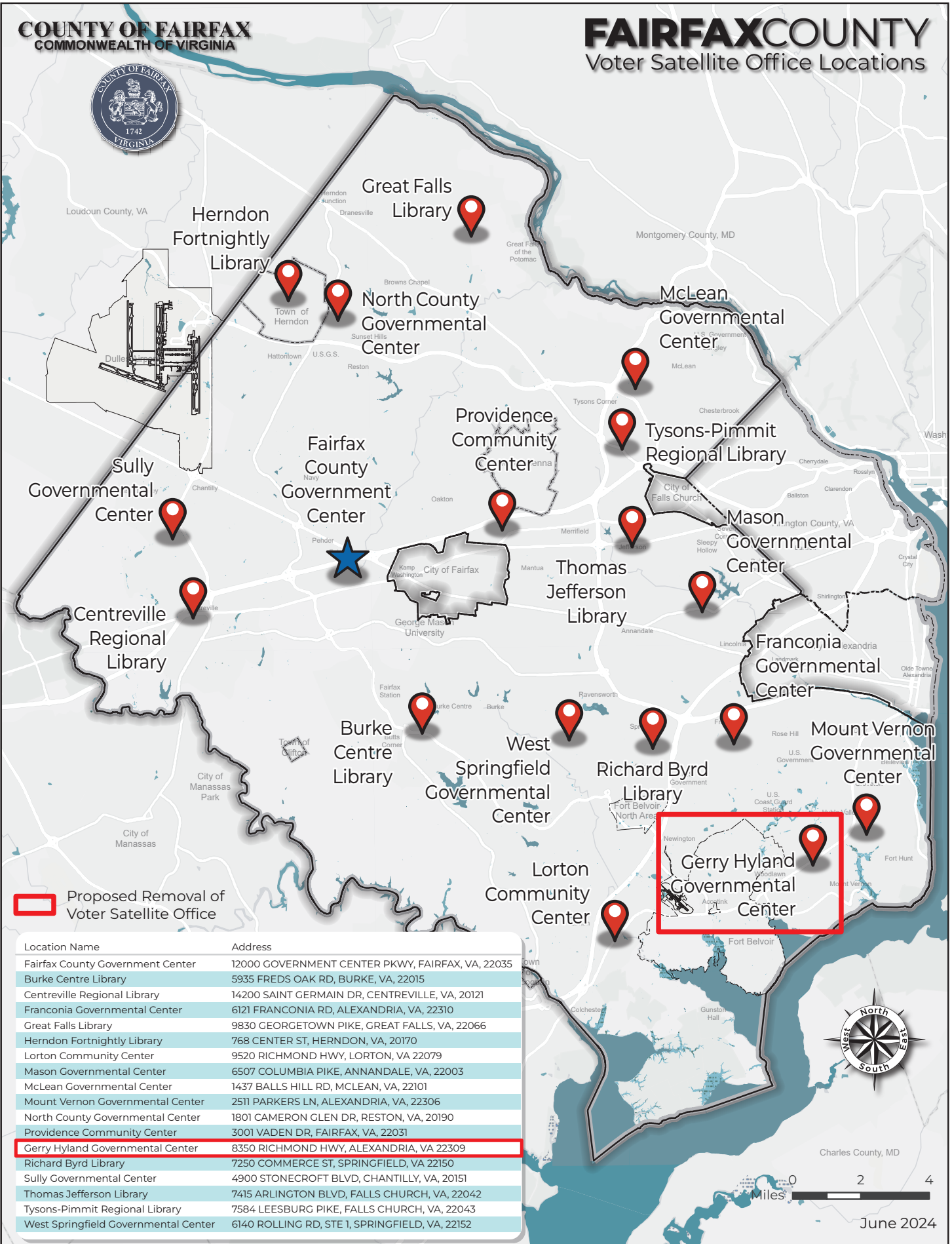
Fairfax County Voting Precincts
 Featured Polling Place



COUNTY OF FAIRFAX
COMMONWEALTH OF VIRGINIA

FAIRFAX COUNTY

Voter Satellite Office Locations



 Proposed Removal of Voter Satellite Office

Location Name	Address
Fairfax County Governmental Center	12000 GOVERNMENT CENTER PKWY, FAIRFAX, VA, 22035
Burke Centre Library	5935 FREDS OAK RD, BURKE, VA, 22015
Centreville Regional Library	14200 SAINT GERMAIN DR, CENTREVILLE, VA, 20121
Franconia Governmental Center	6121 FRANCONIA RD, ALEXANDRIA, VA, 22310
Great Falls Library	9830 GEORGETOWN PIKE, GREAT FALLS, VA, 22066
Herndon Fortnightly Library	768 CENTER ST, HERNDON, VA, 20170
Lorton Community Center	9520 RICHMOND HWY, LORTON, VA, 22079
Mason Governmental Center	6507 COLUMBIA PIKE, ANNANDALE, VA, 22003
McLean Governmental Center	1437 BALLS HILL RD, MCLEAN, VA, 22101
Mount Vernon Governmental Center	2511 PARKERS LN, ALEXANDRIA, VA, 22306
North County Governmental Center	1801 CAMERON GLEN DR, RESTON, VA, 20190
Providence Community Center	3001 VADEN DR, FAIRFAX, VA, 22031
Gerry Hyland Governmental Center	8350 RICHMOND HWY, ALEXANDRIA, VA 22309
Richard Byrd Library	7250 COMMERCE ST, SPRINGFIELD, VA 22150
Sully Governmental Center	4900 STONECROFT BLVD, CHANTILLY, VA, 20151
Thomas Jefferson Library	7415 ARLINGTON BLVD, FALLS CHURCH, VA, 22042
Tysons-Pimmit Regional Library	7584 LEESBURG PIKE, FALLS CHURCH, VA, 22043
West Springfield Governmental Center	6140 ROLLING RD, STE 1, SPRINGFIELD, VA, 22152



June 2024

1 AN ORDINANCE AMENDING
2 ARTICLES 2 AND 3 OF CHAPTER 7 OF THE FAIRFAX COUNTY CODE,
3 CONSOLIDATING PRECINCTS IN THE MASON DISTRICT, RELOCATING A
4 POLLING PLACE IN THE FRANCONIA DISTRICT, RENAMING POLLING PLACES IN
5 THE BRADDOCK, FRANCONIA, AND SPRINGFIELD DISTRICTS, AND REMOVING A
6 VOTER SATELLITE OFFICE AT THE GERRY HYLAND GOVERNMENTAL CENTER
7

8 AN ORDINANCE to amend the Fairfax County Code by amending and
9 readopting Section 7-2-8, to consolidate the Hummer and Woodburn precincts
10 in the Mason District; Section 7-2-13, to relocate the polling place for the
11 Greenspring precinct in the Franconia District, and rename the polling places
12 for the Woodson #1 and Woodson #2 precincts in the Braddock District, the
13 Huntley precinct in the Franconia District, and the Island Pond precinct in
14 the Springfield District; and Section 7-3-2, to remove the voter satellite office
15 at the Gerry Hyland Governmental Center
16

17 Draft of May 21, 2024
18

19 Be it ordained by the Board of Supervisors of Fairfax County:
20

- 21 1. That Sections 7-2-8, 7-2-13, and 7-3-2 of the Fairfax County Code are amended and
22 readopted, as follows:
23

24 ARTICLE 2. – Election Districts for the Board of Supervisors.
25

26 Section 7-2-8. – Mason District
27

28 The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren
29 Mar, Bristow, Brook Hill, Camelot, Columbia, Crossroads, Edsall, Fort Buffalo, Glen Forest,
30 Holmes, ~~Hummer~~, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint
31 Albans, Skyline, Sleepy Hollow, Tripps, Walnut Hill, Westlawn, Weyanoke, Willston, and
32 Woodburn.
33

34 Section 7-2-13. - General Provisions.
35

36 All references to election precincts refer to those precincts, together with the descriptions and
37 maps of the boundaries and polling places for each of those precincts, which were adopted by the
38 Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March
39 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9,
40 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19,
41 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8, 2015, July 12, 2016, July
42 11, 2017, March 20, 2018, December 4, 2018, April 9, 2019, December 3, 2019, March 24, 2020,
43 March 23, 2021, June 22, 2021, December 7, 2021, March 8, 2022, June 7, 2022, March 7, 2023,
44 December 5, 2023, ~~and~~ March 19, 2024, and June 25, 2024, kept on file with the clerk to the
45 Board of Supervisors. Whenever a road, a stream, or other physical feature describes the

boundary of a precinct, the center of such road, stream, or physical feature is the dividing line between that precinct and any adjoining precinct.

ARTICLE 3. – Voter Satellite Offices.

Section 7-3-2. – County Voter Satellite Offices.

Voter satellite offices are hereby established at the following locations:

- (a) **Burke Centre Library**
5935 Fred Oaks Road, Burke, Virginia 22015
- (b) **Centreville Regional Library**
14200 Saint Germain Drive, Centreville, Virginia 20121
- (c) **Franconia Governmental Center**
6121 Franconia Road, Alexandria, Virginia 22310
- ~~(d) **Gerry Hyland Governmental Center**
8350 Richmond Highway, Alexandria, Virginia 22309~~
- (ed) **Great Falls Library**
9830 Georgetown Pike, Great Falls, Virginia 22066
- (fe) **Herndon Fortnightly Library**
768 Center Street, Herndon, Virginia 20170
- (gf) **Lorton Community Center**
9520 Richmond Highway, Lorton, Virginia 22079
- (hg) **Mason Governmental Center**
6507 Columbia Pike, Annandale, Virginia 22003
- (ih) **McLean Governmental Center**
1437 Balls Hill Road, McLean, Virginia 22101
- (ji) **Mount Vernon Governmental Center**
2511 Parkers Lane, Alexandria, Virginia 22306
- (kj) **North County Governmental Center**
1801 Cameron Glen Drive, Reston, Virginia 20190
- (k) **Providence Community Center**
3001 Vaden Drive, Fairfax, Virginia 22031
- (ml) **Richard Byrd Library**

7250 Commerce Street, Springfield, Virginia 22150

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(nm) **Sully Governmental Center**
4900 Stonecroft Boulevard, Chantilly, Virginia 20151

(en) **Thomas Jefferson Library**
7415 Arlington Boulevard, Falls Church, Virginia 22042

(po) **Tysons-Pimmit Regional Library**
7584 Leesburg Pike, Falls Church, Virginia 22043

(ep) **West Springfield Governmental Center**
6140 Rolling Road, Springfield, Virginia 22152

2. That the election polling place for the consolidated precinct as identified in the first clause of this ordinance is established at:

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Mason	Hummer (Precinct Consolidated with Woodburn Prec.)	From: Fred Packard Center 4022 Hummer Road Annandale, VA 22003 To: Woodburn Elementary School 3401 Hemlock Drive Falls Church, VA 22042

3. That the election polling place for the following existing precinct is established at:

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Franconia	Greenspring (Polling Place Relocated)	From: Village Square 7440 Spring Village Drive Springfield, VA To: Greenspring Conference Center 7430 Spring Village Drive Springfield, VA 22152

4. That the election polling places for the following existing precincts are renamed:

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Braddock	Woodson #1	From:

138		(Polling Place	W.T. Woodson High School
139		Renamed)	9525 Main Street
140			Fairfax, VA 22031
141			
142			To:
143			Carter G. Woodson High School
144			9525 Main Street
145			Fairfax, VA 22031
146			
147			
148			
149	Braddock	Woodson #2	From:
150		(Polling Place	W.T. Woodson High School
151		Renamed)	9525 Main Street
152			Fairfax, VA 22031
153			
154			To:
155			Carter G. Woodson High School
156			9525 Main Street
157			Fairfax, VA 22031
158			
159	Franconia	Huntley	From:
160		(Polling Place	St. Mark’s Episcopal Church
161		Renamed)	6744 South Kings Highway
162			Alexandria, VA 22306
163			
164			To:
165			St. Martin de Porres Episcopal Church
166			6744 South Kings Highway
167			Alexandria, VA 22306
168			
169	Springfield	Island Pond	From:
170		(Polling Place	Oak Marr Recreation Center
171		Renamed)	3200 Jermantown Road
172			Oakton, VA 22124
173			
174			To:
175			Oakmont Recreation Center
176			3200 Jermantown Road
177			Oakton, VA 22124
178			
179			

5. That the provisions of this ordinance are effective upon adoption, and that clauses 1, 2, and 3 will be given effect after completion of the procedures set forth in Va. Code § 24.2-129(D).

183

184 **6. That the Clerk for the Board of Supervisors will send a certified copy of this ordinance**
185 **to the Fairfax County Electoral Board, and staff from the Office of Elections will send a**
186 **copy of this ordinance, with Geographic Information System (GIS) maps, to the Virginia**
187 **Department of Elections, and the Virginia Division of Legislative Services, as required**
188 **under Va. Code § 24.2-306(C).**

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GIVEN under my hand this _____ day of _____, 2024

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
May 21, 2024

ADMINISTRATIVE - 7

Authorization to Advertise Public Hearings on Adoption of Chapter 124.1 (Erosion and Stormwater Management Ordinance) and Repeal of Chapters 104 (Erosion and Sedimentation Control) and 124 (Stormwater Management Ordinance) of The Code of the County of Fairfax, Virginia

ISSUE:

Board of Supervisors (Board) authorization to advertise public hearings on adoption of *Chapter 124.1* (Erosion and Stormwater Management Ordinance) and repeal of *Chapters 104* (Erosion and Sedimentation Control) and *124* (Stormwater Management Ordinance) of *The Code of the County of Fairfax, Virginia*. The new ordinance and repeal of the two existing ordinances implements the Virginia Erosion and Stormwater Management Act (*Va. Code Ann. § 62.1-44.15:24, et seq.*) and Virginia Erosion and Stormwater Management Regulation (*9 VAC25-875 et seq.*) that become effective on July 1, 2024.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the new ordinance to repeal the two existing ordinances as set forth in Attachment A to the Staff Report dated May 21, 2024.

The proposed ordinance has been prepared by Land Development Services (LDS) and the Office of the County Attorney in coordination with the Department of Public Works and Environmental Services (DPWES).

TIMING:

Board action is requested on May 21, 2024, to provide sufficient time to advertise the public hearing before the Planning Commission on June 12, 2024, and the Board on June 25, 2024, at 4:00 p.m. If adopted by the Board, the proposed ordinance will become effective at 12:01 a.m. on July 1, 2024.

BACKGROUND:

During the 2016 legislative session, the General Assembly adopted the Virginia Erosion and Stormwater Management Act (the Act) to consolidate the existing Virginia Erosion and Sediment Control and Stormwater Management Programs. The enactment required the State Water Control Board (SWCB) to adopt regulations to implement the

Board Agenda Item
May 21, 2024

requirements of the Act and exempted the consolidated regulations from the requirements of *Article 2 (§ 2.2-4006 et seq.)* of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia (VA Code). The rationale for the exemption was that the new regulation would only be implementing the Act and consolidating the existing regulations without adding or revising any requirements from the existing regulations except for those changes required by the Act. As a result of the exemption, the SWCB was not required to hold a public hearing to adopt the consolidated regulations. However, the Virginia Department of Environmental Quality (DEQ), the administrative agency for the SWCB, was required to form a stakeholders' advisory group, which included county staff, and provided for a 60-day public comment period prior to the SWCB's adoption of the regulations.

Overview of the Virginia Erosion and Stormwater Management Regulations (VESMR)

The SWCB adopted the Virginia Erosion and Stormwater Management Regulation (VESMR) on June 22, 2023, with an effective date of July 1, 2024. The VESMR combined the existing Virginia Erosion and Sediment Control Regulations (9VAC25-940), the Virginia Erosion and Sediment Control and Stormwater Management Certification Requirements (9VAC 25-850), and the Virginia Stormwater Management Program (VSMP) Regulation (9VAC 25-870). The VESMR clarifies program requirements, eliminates redundancies, and corrects inconsistencies among the various regulations. No substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria, except for one provision discussed below, are included in the new regulation. The certification requirements in VESMR are for certification of individuals that perform program administration, plan review, and inspection duties under the combined erosion and stormwater management program. Current certifications remain valid until they need to be renewed.

Proposed Consolidation of County's Erosion and Sedimentation Control and Stormwater Management Ordinances (Chapters 104 and 124)

Because VESMR only consolidated existing erosion and sediment control and stormwater management requirements, staff was originally proposing to update the County's existing Erosion and Sedimentation Control and Stormwater Management Ordinances. However, the DEQ staff strongly recommended that to meet the intent of the Act and the VESMR the County should consolidate our Erosion and Sedimentation Control and Stormwater Management Ordinances into a single ordinance, which is what is currently proposed.

Although it is a complete rewrite, there is only one provision in the new ordinance that staff considers to be a substantive change from current requirements and that change is required by the Act. Specifically, the Act and VESMR now require water quantity controls for development and redevelopment of residential lots in existing subdivisions

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May 21, 2024

that disturbs equal to or greater than 2,500 square feet while retaining the local option to require water quality controls. The elimination of the exemption from having to meet water quantity control requirements has minimal impact because existing requirements under the Erosion and Sedimentation Control Ordinance for protection of downstream properties and waterways from increases in stormwater runoff generally necessitated the installation of water quantity controls.

Option to Retain Exemption for Water Quality Control Requirements

The County's current Stormwater Management Ordinance includes a limited exemption from both storm water quantity and quality control requirements for single-family dwellings separately built and disturbing greater than 2,500 square feet and less than one acre for construction that is not part of a larger common plan of development or sale. The limitations under this exemption are discussed in detail in the Staff Report. Under the Act and the VESMR, water quantity control is now required for land disturbance equal to or greater than 2,500 square feet on such lots and the County may only exempt them from providing water quality controls. Approximately 15 percent of the 527 new infill lot grading plans submitted in 2023 qualified for the existing exemption. The proposed amendments include an option for the Board to retain the exemption for water quality control requirements. A detailed discussion of this option is included in the Staff Report. The optional language can be found at shaded lines 700 through 724 in the proposed ordinance (Attachment A to the Staff Report).

Impact on LDS Operations

The proposed amendments will not change LDS business operations or the development review process. However, the Planning and Land Use System (PLUS), the Zoning Ordinance, the Public Facilities Manual, a few other ordinances, web pages, and publications will all need to be updated with new Code citations. Staff will begin updating web pages and publications immediately upon adoption and process the ordinance changes this fall. The DEQ has also developed a new Stormwater Management Handbook that combines the existing Stormwater Management Handbook and existing Erosion and Sediment Control Handbook. County staff will be receiving training from the DEQ on the new handbook prior to the July 1, 2024, effective date.

Outreach

Issues related to the consolidation were discussed with the Board at the October 17, 2023, Land Use Policy Committee meeting and with the Planning Commission's Environment Committee on May 25, 2024. Staff also made presentations to the Environmental Quality Advisory Council, the Chesapeake Bay Exception Review Committee, the NVBIA/NAIOP Fairfax Committee, the Engineering Standards Review Committee, and the Professional Remodeling Organization (PRO Mid Atlantic).

PROPOSED AMENDMENTS:

1. With the consolidation of the existing ordinances, there will be a common set of definitions, administrative provisions, violations and penalties, and appeals procedures applicable to both erosion and sediment control and stormwater management requirements.
2. The technical requirements from each ordinance will be retained and included as separate sections of the combined ordinance.
3. The existing provisions in the Erosion and Sedimentation Control Ordinance relating to the Erosion and Sediment Control Review Board are not included in the new ordinance. This Board Appointed Committee expired in 1990.
4. Plan content, review, and approval requirements have been updated to match the requirements in the VESMA. This creates a new combined Erosion and Stormwater Management (ESM) plan instead of separate plans for erosion and sediment control and stormwater management. There are no substantive changes to plan requirements or content.
5. The allowance for variances of erosion and sediment control requirements for land-disturbing activity less than one acre in size has been eliminated in accordance with the VESMR. Such variances have not been granted in the past and this change has no impact.
6. An allowance for the County to enter into agreements with adjacent jurisdictions for administration of multijurisdictional projects and with state and federal agencies for review of their projects has been added. The County has been doing this occasionally on an ad hoc basis without a specific allowance for it in our ordinances.
7. The proposed ordinance includes an option, for Board consideration, to require land-disturbing activities equal to or greater than 2,500 square feet for construction of single-family homes to meet water quality control requirements. Under VESMR, such land-disturbing activities must meet erosion and sediment control and water quantity control requirements. This option is discussed in detail in the Staff Report. The optional language can be found at shaded lines 700 through 724 in the proposed ordinance (Attachment A to the Staff Report).

The proposed amendments are included as Attachment A to the Staff Report.

EQUITY IMPACT:

The combining of the Erosion and Sedimentation Control Ordinance and Stormwater Management Ordinance supports a quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability,

Board Agenda Item
May 21, 2024

supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people, a One Fairfax Policy Area of Focus.

The proposed amendments reconcile inconsistencies between the Erosion and Sedimentation Control Ordinance and the Stormwater Management Ordinance with respect to which land-disturbing activities are exempt and which land-disturbing activities are subject to state review and enforcement. The elimination of the limited exemption for infill lot development from having to provide water quantity controls may lead to reductions in stormwater runoff. The elimination of the limited exemption for infill lot development from having to provide water quality controls, should the Board choose this option, may lead to an improvement in water quality in County streams.

This proposal has the potential to advance equity by providing a more consistent application of requirements for land-disturbing activity and additional protections for downstream properties and streams from the adverse impacts of increased runoff from infill lot development.

REGULATORY IMPACT:

The proposed amendment eliminates the exemption for construction of single-family homes, not part of a common plan of development, from providing water quantity controls. This change is mandatory under the Act and VESMR. The elimination of this exemption has limited impact because most of these projects were already providing quantity controls to meet adequate outfall requirements. Should the Board also choose to eliminate the exemption for water quality control for such projects, there will be additional costs impacting 15 percent of infill lot grading plans, approximately 80 plans per year. It is staff's opinion that there are no other substantive changes from current requirements included in the new ordinance. Land-disturbing activity less than 2,500 square feet, typical for most additions to single-family homes, continues to be exempt from water quantity and quality control requirements and erosion and sediment control requirements.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report dated May 21, 2024

Board Agenda Item
May 21, 2024

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Land Development Services

ASSIGNED COUNSEL:

Erin L. Blanch, Assistant County Attorney

Marc. E. Gori, Assistant County Attorney

LAND DEVELOPMENT SERVICES
May 21, 2024

STAFF REPORT

PREPARED BY SITE DEVELOPMENT AND INSPECTIONS DIVISION

- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- PROPOSED ZONING ORDINANCE AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Adoption of Chapter 124.1 (Erosion and Stormwater Management Ordinance) and Repeal of Chapters 104 (Erosion and Sedimentation Control) and 124 (Stormwater Management Ordinance) of The Code of the County of Fairfax, Virginia

PUBLIC HEARING DATES

Authorization to Advertise:	May 21, 2024
Planning Commission Hearing:	June 12, 2024 at 7:30 p.m.
Board of Supervisors Hearing:	June 25, 2024 at 4:00 p.m.

Prepared By:	John A Friedman P.E., Engineer IV Site Code Research & Development Branch, Land Development Services (703) 324-1773
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Staff Report

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors (Board) adopt the proposed new ordinance Chapter 124.1 (Erosion and Stormwater Management Ordinance) to repeal Chapters 104 (Erosion and Sedimentation Control) and 124 (Stormwater Management Ordinance) to implement the Virginia Erosion and Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Erosion and Stormwater Management Regulation (9 VAC25-875 et seq.).

Coordination

The proposed amendments have been prepared by the Department of Land Development Services (LDS) and the Office of the County Attorney and in coordination with the Department of Public Works and Environmental Services (DPWES).

BACKGROUND

During the 2016 legislative session, the General Assembly adopted the Virginia Erosion and Stormwater Management Act (the Act) to consolidate the existing Virginia Erosion and Sediment Control and Stormwater Management Programs. The enactment required the State Water Control Board (SWCB) to adopt regulations to implement the requirements of the Act and exempted the consolidated regulations from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia (VA Code). The rationale for the exemption was that the new regulation would only be implementing the Act and consolidating the existing regulations without adding or revising any requirements from the existing regulations except for those changes required by the Act. As a result of the exemption, the SWCB was not required to hold a public hearing to adopt the consolidated regulations. However, the Virginia Department of Environmental Quality (DEQ), the administrative agency for the SWCB, was required to form a stakeholders' advisory group, which included county staff, and provided for a 60-day public comment period prior to the SWCB's adoption of the regulations.

Overview of the Virginia Erosion and Stormwater Management Regulations (VESMR)

The SWCB adopted the Virginia Erosion and Stormwater Management Regulation (VESMR) on June 22, 2023, with an effective date of July 1, 2024. The VESMR combined the existing Virginia Erosion and Sediment Control Regulations (9VAC25-940), the Virginia Erosion and Sediment Control and Stormwater Management Certification Requirements (9VAC 25-850), and the Virginia Stormwater Management Program (VSMP) Regulation (9VAC 25-870). The VESMR clarifies program requirements, eliminates redundancies, and corrects inconsistencies among the various regulations. No substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria, except

for one provision discussed below, are included in the new regulation. The certification requirements in VESMR are for certification of individuals that perform program administration, plan review, and inspection duties under the combined erosion and stormwater management program. Current certifications remain valid until they need to be renewed.

Proposed Consolidation of County's Erosion and Sedimentation Control and Stormwater Management Ordinances (Chapters 104 and 124)

Because VESMR only consolidated existing erosion and sediment control and stormwater management requirements, staff was originally proposing to update the County's existing Erosion and Sedimentation Control and Stormwater Management Ordinances. However, the DEQ staff strongly recommended that to meet the intent of the Act and the VESMR the County should consolidate our Erosion and Sedimentation Control and Stormwater Management Ordinances into a single ordinance, which is what is currently proposed.

Although it is a complete rewrite, there is only one provision in the new ordinance that staff considers to be a substantive change from current requirements, and that change is required by the Act. Specifically, the Act and VESMR now require water quantity controls for development and redevelopment of residential lots in existing subdivisions that disturbs equal to or greater than 2,500 square feet while retaining the local option to require water quality controls. The elimination of the exemption from having to meet water quantity control requirements has minimal impact because existing requirements under the Erosion and Sedimentation Control Ordinance for protection of downstream properties and waterways from increases in stormwater runoff generally necessitated the installation of water quantity controls.

Option to Retain Exemption for Water Quality Control Requirements

The County's current Stormwater Management Ordinance includes a limited exemption from both storm water quantity and quality control requirements for single-family dwellings separately built and disturbing greater than 2,500 square feet and less than one acre for construction that is not part of a larger common plan of development or sale. The limitations under this exemption are discussed in detail below. Under the Act and the VESMR, water quantity control is now required for land disturbance equal to or greater than 2,500 square feet on such lots and the County may only exempt them from providing water quality controls. Approximately 15 percent of the 527 new infill lot grading plans submitted in 2023 qualified for the existing exemption. The proposed amendments include an option for the Board to retain the exemption for water quality control requirements. The optional language can be found at shaded lines 700 through 724 in the proposed ordinance (Attachment A).

Discussion of Optional Provision

The proposed optional provision is the same as the existing exemption except that it would only exempt projects from having to meet water quality control requirements. The proposed exemption would apply to development of single-family dwellings separately built and disturbing equal to or greater than 2,500 square feet and less than one acre,

including additions, accessory structures, and demolitions, that meet at least one of the following conditions:

- 1) Total imperviousness on the lot will be less than 2,500 square feet or 18% of the lot area, whichever is greater; or
- 2) The total lot area is one-half acre or less and no more than 500 square feet of new impervious area will be added; or
- 3) Water quality controls meeting requirements in effect at the time were provided with the original subdivision construction and are currently in place; or
- 4) The property is served by an existing regional stormwater management facility providing water quality control.

The first condition is intended to replicate the requirement in the original Chesapeake Bay Preservation Ordinance that required water quality controls on infill lots when the total impervious area on the lot was greater than 18%. The second condition is intended to address additions to existing homes on smaller lots that do not meet the first criterion. The third and fourth conditions are intended to relieve lots that are already served by water quality controls from having to determine if the existing controls met current design requirements.

To assess the impact of the proposed exemption, staff reviewed infill lot grading plans submitted in 2023. Of the 527 infill lot grading plans submitted, 15 percent were exempt. Based on the above categories, the projects qualified for the exemption as follows:

- 47% - Total imperviousness less than 2,500 square feet or 18% of the lot area.
- 43% - Lot area 1/2 acre or less and no more than 500 sq. ft. of new impervious area.
- 10% - Water quality controls provided with original subdivision.
- 0% - Water quality controls provided by an existing regional facility

The profile of the construction types qualifying for the exemption is as follows:

- 13% - Addition or accessory structure
- 63% - Demolish existing SFD home and build new SFD home
- 9% - New SFD home on vacant lot
- 15% - Pool

The first take-away from this data is that the current exemption is being used primarily to build new homes. Although the data is not included herein, the infill lots that didn't qualify for the exemption have a similar profile of construction types. The only difference is the scale of the projects. The second take-away is that the second exemption category is being used mostly for tear-downs and rebuilds rather than the small additions it was originally intended for.

The above primarily addresses the scope of the optional provision. The considerations for adopting or not adopting the optional provision are listed below:

- 1) Cost to homeowners to provide on-site BMPs or purchase nutrient credits or a combination of the two.
 - The cost of meeting the water quality control requirement by purchasing nutrient credits only is estimated to be \$1,800 - \$4,375 per project.
 - Facilities installed for water quantity control also may provide a measure of water quality control which may reduce costs.
 - Future costs and the availability of nutrient credits may change the calculus of on-site facilities vs. purchasing credits.
- 2) Water quality.
 - Purchase of nutrient credits does not improve water quality in county streams.
 - There are no nutrient banks in Fairfax County.
 - We cannot prohibit the purchase of nutrient credits.
 - If water quality control is required, it is estimated, based on the non-exempt projects, that about half of the impacted projects would meet their water quality control requirements through construction of on-site facilities.
- 3) Consistency.
 - The profile of the activities that qualify for the exemption and those that don't is virtually identical and consists of around 70 percent of new homes.
 - Elimination of the exemption would assure that all projects are treated the same.

Outreach

Issues related to the consolidation were discussed with the Board at the October 17, 2023, Land Use Policy Committee meeting and with the Planning Commission's Environment Committee on May 25, 2024. Staff also made presentations to the Environmental Quality Advisory Council, the Chesapeake Bay Exception Review Committee, the NVBIA/NAIOP Fairfax Committee, the Engineering Standards Review Committee, and the Professional Remodeling Organization (PRO Mid Atlantic).

PROPOSED AMENDMENTS

- 1) With the consolidation of the existing ordinances, there will be a common set of definitions, administrative provisions, violations and penalties, and appeals procedures applicable to both erosion and sediment control and stormwater management requirements.
- 2) The technical requirements from each ordinance will be retained and included as separate sections of the combined ordinance.
- 3) The existing provisions in the Erosion and Sedimentation Control Ordinance relating to the Erosion and Sediment Control Review Board are not included in the new ordinance. This Board Appointed Committee expired in 1990.

- 4) Plan content, review, and approval requirements have been updated to match the requirements in the VESMA. This creates a new combined Erosion and Stormwater Management (ESM) plan instead of separate plans for erosion and sediment control and stormwater management. There are no substantive changes to plan requirements or content.
- 5) The allowance for variances of erosion and sediment control requirements for land-disturbing activity less than one acre in size has been eliminated in accordance with the VESMR. Such variances have not been granted in the past and this change should have no impact.
- 6) An allowance for the County to enter into agreements with adjacent jurisdictions for administration of multijurisdictional projects and with state and federal agencies for review of their projects has been added. The County has been doing this occasionally on an ad hoc basis without a specific allowance for it in our ordinances.
- 7) The proposed ordinance includes an option, for Board consideration, to require land-disturbing activities equal to or greater than 2,500 square feet for construction of single-family homes to meet water quality control requirements. Under VESMR, such land-disturbing activities must meet erosion and sediment control and water quantity control requirements. This option is discussed in detail above. The optional language can be found at shaded lines 700 through 724 in the proposed ordinance (Attachment A).

The proposed amendments are included as Attachment A. A cross-reference table of provisions in the old ordinances corresponding to provisions in the new ordinance is included as Attachment B.

REGULATORY IMPACT

The proposed amendment eliminates the exemption for construction of single-family homes, not part of a common plan of development, from providing water quantity controls. This change is mandatory under the Act and VESMR. The elimination of this exemption has limited impact because most of these projects were already providing quantity controls to meet adequate outfall requirements. Should the Board also choose to eliminate the exemption for water quality control for such projects, there will be additional costs impacting 15 percent of infill lot grading plans, approximately 80 plans per year. It is staff's opinion that there are no other substantive changes from current requirements included in the new ordinance. Land-disturbing activity less than 2,500 square feet, typical for most additions to single-family homes, continues to be exempt from water quantity and quality control requirements and erosion and sediment control requirements.

ATTACHED DOCUMENT

Attachment A – Proposed Chapter 124.1 (Erosion and Stormwater Management Ordinance)

Attachment B – Cross-reference Table of Provisions in Existing Chapters 104 and 124 to Corresponding Provisions in Proposed Chapter 124.1

1 **AN ORDINANCE REPEALING CHAPTERS 104 and 124 OF THE**
2 **FAIRFAX COUNTY CODE AND ADOPTING A NEW CHAPTER 124.1, RELATING**
3 **TO EROSION AND STORMWATER MANAGEMENT**

4
5 **AN ORDINANCE to amend the Fairfax County Code by repealing Chapter**
6 **104 and Chapter 124, and by adopting a new Chapter 124.1, all relating to**
7 **erosion and stormwater management.**

8
9 **Draft of May 8, 2024**

10
11 **Be it ordained by the Board of Supervisors of Fairfax County:**

- 12
13 **1. That Chapters 104 and 124 of the Fairfax County Code are repealed, and a new**
14 **Chapter 124.1 is adopted, as follows:**

15
16 **CHAPTER 124.1 Erosion and Stormwater Management Ordinance.**

17
18 **ARTICLE 1. – General Provisions.**

19
20 **Section 124.1-1-1. - Title.**

21 This Chapter will hereafter be known, cited, and referred to as the "Erosion and Stormwater
22 Management Ordinance" of Fairfax County.

23
24 **Section 124.1-1-2. - Authority.**

25 This ordinance is enacted pursuant to the authority and mandates of the Virginia Erosion and
26 Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of
27 the Virginia Code, the Virginia and Erosion Stormwater Management Regulation, Chapter 875 of
28 Title 9 of the Virginia Administrative Code, and Title 15.2 of the Virginia Code.

29
30 **Section 124.1-1-3. - Enactment.**

31 This Chapter shall be effective at 12:01 A.M. on July 1, 2024.

32
33 **Section 124.1-1-4. - Purpose and Administration.**

34 This Chapter establishes a local erosion and stormwater management program administered in
35 conjunction with the County’s MS4 program as implemented herein. The purpose and intent of
36 this Chapter is to ensure the general health, safety, and welfare of the citizens of Fairfax County
37 and to protect the quality and quantity of state waters from the potential harm of unmanaged
38 stormwater and soil erosion, including protection from a land disturbing activity causing
39 unreasonable degradation of properties, water quality, stream channels, and other natural
40 resources, and to establish procedures whereby stormwater requirements related to water quality,

41 water quantity, soil erosion, sediment deposition, and non-agricultural runoff shall be administered
42 and enforced.

43 The County will be the Virginia Erosion and Stormwater Management Program (VESMP)
44 Authority. The Director of Land Development Services is responsible for the administration and
45 enforcement of this Chapter except for Article 10, which is administered and enforced by the
46 Director of the Department of Public Works and Environmental Services.

47

48 **Section 124.1-1-5. - Definitions.**

49 The following words and terms used in this Chapter have the following meanings unless the
50 context clearly indicates otherwise.

51 *Act* or *VESMA* means the Virginia Erosion and Stormwater Management Act, Article 2.3 (§
52 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Virginia Code.

53 *10-year storm* means a storm that is capable of producing rainfall expected to be equaled or
54 exceeded on the average of once in 10 years. It may also be expressed as an exceedance
55 probability with a 10% chance of being equaled or exceeded in any given year.

56 *Adequate channel* means a channel that will convey the designated frequency storm event,
57 neither overtopping the channel bank nor causing erosive damage to the channel bed or banks.

58 *Applicant* means a person submitting a soil erosion control and stormwater management plan
59 to the County for approval in order to obtain authorization to commence a land-disturbing
60 activity.

61 *Best management practice* or *BMP* means schedules of activities, permitting, or prohibitions
62 of practices, maintenance procedures, and other management practices, including both
63 structural and nonstructural practices, to prevent or reduce the pollution of surface waters and
64 groundwater systems.

65 (1) *Nonproprietary best management practice* means both structural and nonstructural
66 practices to prevent or reduce the pollution of surface waters and groundwater systems
67 that are in the public domain and are not protected by trademark or patent or copyright.

68 (2) *Proprietary best management practice* means both structural and nonstructural
69 practices to prevent or reduce the pollution of surface waters and groundwater systems
70 that are privately owned and controlled and may be protected by trademark or patent
71 or copyright.

72 *Board* means the State Water Control Board. When used outside the context of the
73 promulgation of regulations, including regulations to establish general permits, "board"
74 means the Department of Environmental Quality.

75 *Board of Supervisors* means the Fairfax County Board of Supervisors.

76 *Causeway* means a temporary structural span constructed across a flowing watercourse or
77 wetland to allow construction traffic to access the area without causing erosion damage.

78 *Certification* means the designation issued by the Department on behalf of the
79 Commonwealth, to individuals who have completed Department approved training programs
80 and met any additional eligibility requirements or in other ways demonstrated adequate

81 knowledge and experience in accordance with the eligibility requirements of 9VAC25-875-
82 410 related to the specified classifications (9VAC25-875-400) within the separate subject
83 areas of ESC or SWM or both.

84 *Certified inspector* means an employee or agent of a VESCP, VESMP, or VSMP authority
85 who (i) holds a certification from the Department in the area of project inspection or (ii) is
86 enrolled in the Department's training program for project inspection and successfully
87 completes such program within one year after enrollment.

88 *Certified plan reviewer* means an employee or agent of a VESCP, VESMP, or VSMP
89 authority who (i) holds a certification from the Department in the area of plan review; (ii) is
90 enrolled in the Department's training program for plan review and successfully completes
91 such program within one year after enrollment; or (iii) is licensed as a professional engineer,
92 architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of
93 Chapter 4 of Title 54.1 of the Code of Virginia, or professional soil scientist as defined in Va.
94 Code § 54.1-2200.

95 *Certified program administrator* means an employee or agent of a VESCP, VESMP, or
96 VSMP authority who holds a certification from the Department in the classification of
97 program administrator.

98 *Channel* means a natural or manmade waterway.

99 *Chesapeake Bay Preservation Act* means Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1
100 of Title 62.1 of the Code of Virginia.

101 *Chesapeake Bay Preservation Area* means any land designated by a local government
102 pursuant to Part III (9VAC25-830-70 et seq.) of the Chesapeake Bay Preservation Area
103 Designation and Management Regulations and Va. Code § 62.1-44.15:74. A Chesapeake Bay
104 Preservation Area shall consist of a Resource Protection Area and a Resource Management
105 Area as defined in the Chesapeake Bay Preservation Area Designation and Management
106 Regulations (9VAC25-830). All land in Fairfax County has been designated by the County as
107 a Chesapeake Bay Preservation Area, pursuant Chapter 118 of the Fairfax County Code.

108 *Classification* means the four specific certification designations assigned to the roles of
109 program administrator, plan reviewer, inspector, and combined administrator within the areas
110 of ESC, SWM, or both ESC and SWM for a dual classification.

111 *Clean Water Act* or *CWA* means the federal Clean Water Act (33 USC § 1251 et seq.),
112 formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution
113 Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217,
114 Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions
115 thereto.

116 *Code or the Code* means the Code of the County of Fairfax, Virginia.

117 *Cofferdam* means a watertight temporary structure in a river, lake, or other body of water for
118 keeping the water from an enclosed area that has been pumped dry so that bridge foundations,
119 dams, or other submerged structural pieces may be constructed.

120 *Combined administrator for ESC* means anyone who is responsible for performing the
121 combined duties of a program administrator, plan reviewer, and inspector of a VESCP
122 authority or the ESC component of a VESMP authority.

123 *Combined administrator for SWM* means anyone who is responsible for performing the
124 combined duties of a program administrator, plan reviewer, and inspector of a VSMP
125 authority or the SWM component of a VESMP authority.

126 *Common plan of development or sale* means a contiguous area where separate and distinct
127 construction activities may be taking place at different times on different schedules.

128 *Comprehensive stormwater management plan* means a plan, which may be integrated with
129 other land use plans or regulations, that specifies how the water quality components, quantity
130 components, or both of stormwater are to be managed on the basis of an entire watershed or
131 a portion thereof. The plan may also provide for the remediation of erosion, flooding, and
132 water quality and quantity problems caused by prior development.

133 *Construction activity* means any clearing, grading, or excavation associated with large
134 construction activity or associated with small construction activity.

135 *Control measure* means any BMP, stormwater facility, or other method used to minimize the
136 discharge of pollutants to state waters.

137 *CWA and regulations* means the Clean Water Act and applicable regulations published in the
138 Code of Federal Regulations promulgated thereunder. For the purposes of this Chapter, it
139 includes state program requirements.

140 *Dam* means a barrier to confine or raise water for storage or diversion, to create a hydraulic
141 head, to prevent gully erosion, or to retain soil, rock, or other debris.

142 *Denuded* means a term applied to land that has been physically disturbed and no longer
143 supports vegetative cover.

144 *Department or Department of Environmental Quality or DEQ* means the Virginia Department
145 of Environmental Quality.

146 *Development* means land disturbance and the resulting landform associated with the
147 construction of residential, commercial, industrial, institutional, recreation, transportation, or
148 utility facilities or structures or the clearing of land for nonagricultural or nonsilvicultural
149 purposes. The regulation of discharges from development, for purposes of stormwater
150 management, does not include the exclusions found in 9VAC25-875-860.

151 *Dike* means an earthen embankment constructed to confine or control water, especially one
152 built along the banks of a river to prevent overflow of lowlands; levee.

153 *Director of LDS or LDS Director* means the Director of the Department of Land Development
154 Services or their designee. *Director of DEQ or Director* means the Director of the Department
155 of Environmental Quality or the director's designee.

156 *Discharge*, when used without qualification, means the discharge of a pollutant.

157 *Discharge of a pollutant* means:

158 (1) Any addition of any pollutant or combination of pollutants to state waters from any
159 point source; or

160 (2) Any addition of any pollutant or combination of pollutants to the waters of the
161 contiguous zone or the ocean from any point source other than a vessel or other floating
162 craft that is being used as a means of transportation.

163 This definition includes additions of pollutants into surface waters from surface runoff that is
164 collected or channeled by man; discharges through pipes, sewers, or other conveyances owned
165 by a state, municipality, or other person that do not lead to a treatment works; and discharges
166 through pipes, sewers, or other conveyances, leading into privately owned treatment works.
167 This term does not include an addition of pollutants by any indirect discharger.

168 *District or soil and water conservation district* means a political subdivision of the
169 Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.)
170 of Chapter 5 of Title 10.1 of the Code of Virginia.

171 *Diversion* means a channel with a supporting ridge on the lower side constructed across or at
172 the bottom of a slope for the purpose of intercepting surface runoff.

173 *Dormant* means denuded land that is not actively being brought to a desired grade or condition.

174 *Drainage area* means a land area, water area, or both from which runoff flows to a common
175 point.

176 *Dual combined administrator for ESC and SWM* means anyone who is responsible for
177 performing the combined duties of a program administrator, plan reviewer, and inspector of a
178 VESMP authority.

179 *Energy dissipator* means a nonerodible structure that reduces the velocity of concentrated flow
180 to reduce its erosive effects.

181 *Environmental Protection Agency or EPA* means the U.S. Environmental Protection Agency.

182 *Erosion and sediment control plan* means a document containing material for the conservation
183 of soil and water resources of a unit or group of units of land. It may include appropriate maps,
184 an appropriate soil and water plan inventory and management information with needed
185 interpretations, and a record of decisions contributing to conservation treatment. The plan must
186 contain all major conservation decisions to ensure that the entire unit or units of land will be
187 so treated to achieve the conservation objectives including tree conservation requirements as
188 required by applicable law.

189 *Erosion and Sediment Control Law for Localities Not Administering a Virginia Erosion and*
190 *Stormwater Management Program or ESCL* means Article 2.4 (§ 62.1-44.15:51 et seq.) of
191 Chapter 3.1 of Title 62.1 of the Code of Virginia.

192 *Erosion impact area* means an area of land that is not associated with a current land-disturbing
193 activity but is subject to persistent soil erosion resulting in the delivery of sediment onto
194 neighboring properties or into state waters. This definition does not apply to any lot or parcel
195 of land of 10,000 square feet or less used for residential purposes or to shorelines where the
196 erosion results from wave action or other coastal processes.

197 *ESC* means erosion and sediment control.

198 *Farm building or structure* means the same as that term is defined in Va. Code § 36-97 and
199 also includes any building or structure used for agritourism activity, as defined in Va. Code
200 § 3.2-6400, and any related impervious services, including roads, driveways, and parking
201 areas.

202 *Flood fringe* means the portion of the floodplain outside the floodway that is usually covered
203 with water from the 100-year flood or storm event. This includes the flood or floodway fringe
204 designated by the Federal Emergency Management Agency.

205 *Flooding* means a volume of water that is too great to be confined within the banks or walls of
206 the stream, water body or conveyance system and that overflows onto adjacent lands, thereby
207 causing or threatening damage.

208 *Floodplain* means the area adjacent to a channel, river, stream, or other water body that is
209 susceptible to being inundated by water normally associated with the 100-year flood or storm
210 event. This includes, but is not limited to, any floodplain designated by the Federal Emergency
211 Management Agency or meets the definition of floodplain in Chapter 112.1 (Zoning
212 Ordinance) of the Code.

213 *Flood-prone area* means the component of a natural or restored stormwater conveyance system
214 that is outside the main channel. Flood-prone areas may include, but are not limited to, the
215 floodplain, the floodway, the flood fringe, wetlands, riparian buffers or other areas adjacent to
216 the main channel.

217 *Floodway* means the channel of a river or other watercourse and the adjacent land areas, usually
218 associated with flowing water, that must be reserved in order to discharge the 100-year flood
219 or storm event without cumulatively increasing the water surface elevation more than one foot.
220 This includes, but is not limited to, any floodway designated by the Federal Emergency
221 Management Agency.

222 *Flume* means a constructed device lined with erosion-resistant materials intended to convey
223 water on steep grades.

224 *General Permit* means a state permit authorizing a category of discharges under the CWA and
225 the Act within a geographical area.

226 *Hydrologic Unit Code* or *HUC* means a watershed unit established in the most recent version
227 of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as
228 another order.

229 *Illicit discharge* means any discharge to a municipal separate storm sewer that is not composed
230 entirely of stormwater, except discharges pursuant to a separate VPDES or state permit (other
231 than the state permit for discharges from the municipal separate storm sewer), discharges
232 resulting from fire-fighting activities, and discharges identified by and in compliance with
233 9VAC25-875-970 D 2 c (3).

234 *Impervious cover* means a surface composed of material that significantly impedes or prevents
235 natural infiltration of water into soil.

236 *Incorporated place* means a city, town, township, or village that is incorporated under the Code
237 of Virginia.

238 *Inspection* means an on-site review of the project's compliance with any applicable design
239 criteria; or an on-site review to obtain information or conduct surveys or investigations
240 necessary in the implementation or enforcement of the Act, the Regulations, and this Chapter.

241 *Inspector* means the individual who, as a representative of a VESCP authority, a VESMP
242 authority, or a VSMP authority, is responsible for periodically examining the ESC, SWM, or

243 both ESC and SWM activities and premises of a land-disturbing activity for compliance with
244 the ESCL VESMA, and associated regulations as may be applicable.

245 *Karst area* means any land area predominantly underlain at the surface or shallow subsurface
246 by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst
247 features.

248 *Karst features* means sinkholes, sinking and losing streams, caves, large flow springs, and
249 other such landscape features found in karst areas.

250 *Land disturbance or land-disturbing activity* means a man-made change to the land surface
251 that may result in soil erosion or has the potential to change its runoff characteristics including
252 construction activity such as clearing, grading, excavation, or filling of land.

253 *Land-disturbance approval* means an approval allowing a land-disturbing activity to
254 commence issued by the County after the requirements of Section 124.1-2-5 have been met.
255 The County may issue land-disturbance approval in the form of a “County land-disturbance
256 permit.”

257 *Large construction activity* means construction activity including clearing, grading and
258 excavation, except operations that result in the disturbance of less than five acres of total land
259 area. Large construction activity also includes the disturbance of less than five acres of total
260 land area that is a part of a larger common plan of development or sale if the larger common
261 plan will ultimately disturb five acres or more. Large construction activity does not include
262 routine maintenance that is performed to maintain the original line and grade, hydraulic
263 capacity, or original purpose of the facility.

264 *Layout* means a conceptual drawing sufficient to provide for the specified stormwater
265 management facilities required at the time of approval.

266 *LDS Department or LDS* means the Fairfax County Department of Land Development
267 Services.

268 *Legacy Land-Disturbing Activity* means land-disturbing activity set forth in 9VAC25-875-490.

269 *Linear development project* means a land-disturbing activity that is linear in nature such as,
270 but not limited to, (i) the construction of electric and telephone utility lines, and natural gas
271 pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other
272 related structures of a railroad company; (iii) highway construction projects; (iv) construction
273 of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private
274 subdivision roads or streets will not be considered linear development projects.

275 *Live watercourse* means a definite channel with bed and banks within which concentrated
276 water flows continuously.

277 *Locality* means a county, city, or town.

278 *Localized flooding* means smaller scale flooding that may occur outside of a stormwater
279 conveyance system. This may include high water, ponding or standing water from stormwater
280 runoff, which is likely to cause property damage or unsafe conditions.

281 *Main channel* means the portion of the stormwater conveyance system that contains the base
282 flow and small frequent storm events.

283 *Major modification* means the modification or amendment of an existing MS4 individual
284 permit before its expiration that is not a minor modification as defined in this chapter.

285 *Manmade* means constructed by man.

286 *Minimize* means to reduce or eliminate the discharge of pollutants to the extent achievable
287 using stormwater controls that are technologically available and economically practicable.

288 *Minor modification* means, for the purposes of this Chapter, minor modification or amendment
289 of an existing state permit before its expiration for the reasons listed at 40 CFR 122.63 and as
290 specified in 9VAC25-875-1240. *Minor modification* for the purposes of this Chapter also
291 means other modifications and amendments not requiring extensive review and evaluation
292 including, but not limited to, changes in EPA promulgated test protocols, increasing
293 monitoring frequency requirements, changes in sampling locations, and changes to compliance
294 dates within the overall compliance schedules. A minor state permit modification or
295 amendment does not substantially alter state permit conditions, substantially increase or
296 decrease the amount of surface water impacts, increase the size of the operation, or reduce the
297 capacity of the facility to protect human health or the environment.

298 *Municipal separate storm sewer system* or *MS4* means a conveyance or system of conveyances
299 otherwise known as a municipal separate storm sewer system or *MS4*, including roads with
300 drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels,
301 or storm drains, that is:

302 (1) Owned or operated by a federal entity, state, city, town, county, district, association, or
303 other public body, created by or pursuant to state law, having jurisdiction over disposal
304 of sewage, industrial wastes, stormwater, or other wastes, including a special district
305 under state law such as a sewer district, flood control district, drainage district or similar
306 entity, or a designated and approved management agency under § 208 of the CWA that
307 discharges to surface waters;

308 (2) Designed or used for collecting or conveying stormwater;

309 (3) Not a combined sewer; and

310 (4) Not part of a publicly owned treatment works.

311 *Municipal Separate Storm Sewer System Management Program* or *MS4 Program* means a
312 management program covering the duration of a state permit for a SMS4 that includes a
313 comprehensive planning process that involves public participation and intergovernmental
314 coordination to reduce the discharge of pollutants to the maximum extent practicable, to protect
315 water quality, and to satisfy the appropriate water quality requirements of the CWA and
316 regulations and the Act and its attendant regulations, using management practices, control
317 techniques, and system, design and engineering methods, and such other provisions that are
318 appropriate.

319 *Natural channel design concepts* means the utilization of engineering analysis and fluvial
320 geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system
321 for the purpose of creating or recreating a stream that conveys its bankfull storm event within
322 its banks and allows larger flows to access its bankfull bench and its floodplain.

323 *Natural stream* means a tidal or nontidal watercourse that is part of the natural topography. It
324 usually maintains a continuous or seasonal flow during the year and is characterized as being

325 irregular in cross-section with a meandering course. Constructed channels such as drainage
326 ditches or swales will not be considered natural streams; however, channels designed utilizing
327 natural channel design concepts may be considered natural streams.

328 *Nonerodible* means a material, for example, riprap, concrete, or plastic, that will not experience
329 surface wear due to natural forces.

330 *Nonpoint source pollution* means pollution such as sediment, nitrogen, phosphorous,
331 hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are
332 washed from the land surface in a diffuse manner by stormwater.

333 *Operator* means the owner or operator of any facility or activity subject to the Act, the
334 Regulations, and this Chapter. In the context of stormwater associated with a large or small
335 construction activity, operator means any person associated with a construction project that
336 meets either of the following two criteria: (i) the person has direct operational control over
337 construction plans and specifications, including the ability to make modifications to those plans
338 and specifications or (ii) the person has day-to-day operational control of those activities at a
339 project that are necessary to ensure compliance with a stormwater pollution prevention plan
340 for the site or other state permit or County land-disturbance permit conditions (i.e., they are
341 authorized to direct workers at a site to carry out activities required by the stormwater pollution
342 prevention plan or comply with other permit conditions). In the context of stormwater
343 discharges from Municipal Separate Storm Sewer Systems (MS4s), operator means the
344 operator of the regulated MS4 system.

345 *Owner* means the same as that term is defined in Va. Code § 62.1-44.3. For a regulated land-
346 disturbing activity that does not require a permit, *owner* also means the owner of the freehold
347 of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents,
348 receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

349 *Peak flow rate* means the maximum instantaneous flow from a prescribed design storm at a
350 particular location.

351 *Percent impervious* means the impervious area within the site divided by the area of the site
352 multiplied by 100.

353 *Permittee* means the person to whom the permit is issued.

354 *Person* means any individual, partnership, firm, association, joint venture, public or private
355 corporation, trust, estate, commission, board, public or private institution, utility, cooperative,
356 county, city, town, or other political subdivision of the Commonwealth, governmental body,
357 including a federal or state entity as applicable, any interstate body, or any other legal entity.

358 *Plan reviewer* means anyone who is responsible for reviewing and evaluating ESC, SWM, or
359 ESM plans and supporting documents for approval by a VESCP authority in the area of ESC,
360 a VSMP authority in the area of SWM, or a VESMP authority in the areas of both ESC and
361 SWM.

362 *Point of discharge* means a location at which concentrated stormwater runoff is released.

363 *Point source* means any discernible, confined, and discrete conveyance including any pipe,
364 ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated
365 animal feeding operation, landfill leachate collection system, vessel, or other floating craft

366 from which pollutants are or may be discharged. This term does not include return flows from
367 irrigated agriculture or agricultural stormwater runoff.

368 *Pollutant discharge* means the average amount of a particular pollutant measured in pounds
369 per year or other standard reportable unit as appropriate, delivered by stormwater runoff.

370 *Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
371 garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive
372 materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC
373 § 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial,
374 municipal, and agricultural waste discharged into water. It does not mean:

375 (1) Sewage from vessels; or

376 (2) Water, gas, or other material that is injected into a well to facilitate production of oil or
377 gas, or water derived in association with oil and gas production and disposed of in a
378 well, if the well used either to facilitate production or for disposal purposes is approved
379 by the State Water Control Board and if the State Water Control Board determines that
380 the injection or disposal will not result in the degradation of groundwater or surface
381 water resources.

382 *Pollution* means such alteration of the physical, chemical, or biological properties of any state
383 waters as will or is likely to create a nuisance or render such waters (i) harmful or detrimental
384 or injurious to the public health, safety, or welfare, or to the health of animals, fish, or aquatic
385 life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of
386 public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or
387 other reasonable uses, provided that (a) an alteration of the physical, chemical, or biological
388 property of state waters, or a discharge or deposit of sewage, industrial wastes, or other wastes
389 to state waters by any owner that by itself is not sufficient to cause pollution, but that, in
390 combination with such alteration of or discharge or deposit to state waters by other owners, is
391 sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state
392 waters; and (c) contributing to the contravention of standards of water quality duly established
393 by the State Water Control Board, are *pollution* for the terms and purposes of this Chapter.

394 *Post-development* refers to conditions that reasonably may be expected or anticipated to exist
395 after completion of the land development activity on a specific site or tract of land.

396 *Predevelopment* refers to the conditions that exist at the time that plans for the land-disturbing
397 activity are submitted to the County. Where phased development or plan approval occurs (e.g.,
398 preliminary grading, demolition of existing structures, or roads and utilities), the existing
399 conditions at the time prior to the commencement of land-disturbing activity will establish
400 predevelopment conditions.

401 *Prior developed lands* means land that has been previously utilized for residential, commercial,
402 industrial, institutional, recreation, transportation or utility facilities or structures, and that will
403 have the impervious areas associated with those uses altered during a land-disturbing activity.

404 *Program administrator* means the individual responsible for administering and enforcing the
405 County's VESMP program in the areas of both ESC and SWM.

406 *Public Facilities Manual* or *PFM* means the Fairfax County Public Facilities Manual which
407 contains design and construction standards adopted by the Board of Supervisors.

408 *Qualified personnel* means a person knowledgeable in the principles and practices of erosion
409 and sediment and stormwater management controls who possesses the skills to assess
410 conditions at the construction site for the operator that could impact stormwater quality and
411 quantity and to assess the effectiveness of any sediment and erosion control measures or
412 stormwater management facilities selected to control the quality and quantity of stormwater
413 discharges from the construction activity.

414 *Regulations* means the Virginia Erosion and Stormwater Management Regulation (VESMR)
415 (9VAC25-875-10 et seq., as amended).

416 *Responsible land disturber* or *RLD* means an individual holding a certificate issued by the
417 Department who is responsible for carrying out the land-disturbing activity in accordance with
418 the approved erosion and sediment control plan. The RLD may be the owner, applicant,
419 permittee, designer, superintendent, project manager, contractor, or any other project or
420 development team member. The RLD must be designated on the erosion and sediment control
421 plan or permit as defined in this chapter as a prerequisite for engaging in land disturbance.

422 *Runoff coefficient* means the fraction of total rainfall that will appear at a conveyance as runoff.

423 *Runoff* or *stormwater runoff* means that portion of precipitation that is discharged across the
424 land surface or through conveyances to one or more waterways.

425 *Runoff characteristics* include maximum velocity, peak flow rate, volume, and flow duration.

426 *Runoff volume* means the volume of water that runs off the land development project from a
427 prescribed storm event.

428 *Sediment basin* means a temporary impoundment built to retain sediment and debris with a
429 controlled stormwater release structure.

430 *Sediment trap* means a temporary impoundment built to retain sediment and debris that is
431 formed by constructing an earthen embankment with a stone outlet.

432 *Sheet flow* or *overland flow* means shallow, unconcentrated, and irregular flow down a slope.
433 The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

434 *Shoreline erosion control project* means an erosion control project approved by local wetlands
435 boards, the Virginia Marine Resources Commission, the department, or the U.S. Army Corps
436 of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as
437 defined in Title 28.2 of the Code of Virginia.

438 *Site* means the land or water area where any facility or land-disturbing activity is physically
439 located or conducted, including adjacent land used or preserved in connection with the facility
440 or land-disturbing activity. Areas channelward of mean low water in tidal Virginia will not be
441 considered part of a site.

442 *Site hydrology* means the movement of water on, across, through and off the site as determined
443 by parameters including, but not limited to, soil types, soil permeability, vegetative cover,
444 seasonal water tables, slopes, land cover, and impervious cover.

445 *Small construction activity* means:

446 (1) Construction activities including clearing, grading, and excavating that result in land
447 disturbance of equal to or greater than one acre and less than five acres. *Small*

448 *construction activity* also includes the disturbance of less than one acre of total land
449 area that is part of a larger common plan of development or sale if the larger common
450 plan will ultimately disturb equal to or greater than one and less than five acres. *Small*
451 *construction activity* does not include routine maintenance that is performed to
452 maintain the original line and grade, hydraulic capacity, or original purpose of the
453 facility. The Department may waive the otherwise applicable requirements in a general
454 permit for a stormwater discharge from construction activities that disturb less than five
455 acres where stormwater controls are not needed based on an approved total maximum
456 daily load (TMDL) that addresses the pollutants of concern or, for nonimpaired waters
457 that do not require TMDLs, an equivalent analysis that determines allocations for small
458 construction sites for the pollutants of concern or that determines that such allocations
459 are not needed to protect water quality based on consideration of existing in-stream
460 concentrations, expected growth in pollutant contributions from all sources, and a
461 margin of safety. For the purpose of this subdivision, the pollutants of concern include
462 sediment or a parameter that addresses sediment (such as total suspended solids,
463 turbidity, or siltation) and any other pollutant that has been identified as a cause of
464 impairment of any water body that will receive a discharge from the construction
465 activity. The operator will certify to the Department that the construction activity will
466 take place, and stormwater discharges will occur, within the drainage area addressed
467 by the TMDL or provide an equivalent analysis. As of the start date in Table 1 of
468 9VAC25-31-1020, all certifications submitted in support of the waiver will be
469 submitted electronically by the owner or operator to the Department in compliance with
470 this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D),
471 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant
472 Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is
473 not intended to undo existing requirements for electronic reporting. Prior to this date,
474 and independent of Part XI of 9VAC25-31, permittees may be required to report
475 electronically if specified by a particular permit.

476 (2) Any other construction activity designated by either the Department or the EPA
477 regional administrator, based on the potential for contribution to a violation of a water
478 quality standard or for significant contribution of pollutants to surface waters.

479 *Soil erosion* means the movement of soil by wind or water into state waters or onto lands in
480 the Commonwealth.

481 *Soil erosion control and stormwater management plan, erosion control and stormwater*
482 *management plan, or ESM plan* means a document describing methods for controlling soil
483 erosion and managing stormwater in accordance with the requirements adopted pursuant to the
484 VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and
485 the stormwater management plan as each is described in this Chapter.

486 *Stabilized* means land that has been treated to withstand normal exposure to natural forces
487 without incurring erosion damage.

488 *State* means the Commonwealth of Virginia.

489 *State application* or *application* means the standard forms, including any additions, revisions,
490 or modifications to the forms, approved by the administrator and the Department for applying
491 for a state permit.

492 *State project* means any land development project that is undertaken by any state agency,
493 board, commission, authority, or any branch of state government, including state-supported
494 institutions of higher learning.

495 *State permit* means a VPDES permit issued by the DEQ pursuant to Va. Code § 62.1-44.15 of
496 the Code of Virginia for stormwater discharges from a land-disturbing activity or MS4.

497 *State Water Control Law* means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Virginia
498 Code.

499 *State waters* means all water, on the surface and under the ground, wholly or partially within
500 or bordering the Commonwealth or within its jurisdiction, including wetlands.

501 *Storm sewer inlet* means a structure through which stormwater is introduced into an
502 underground conveyance system.

503 *Stormwater* means precipitation that is discharged across the land surface or through
504 conveyances to one or more waterways and that may include stormwater runoff, snow melt
505 runoff, and surface runoff and drainage.

506 *Stormwater conveyance system* means a combination of drainage components that are used to
507 convey stormwater discharge, either within or downstream of the land-disturbing activity. This
508 includes:

509 (1) *Manmade stormwater conveyance system* means a pipe, ditch, vegetated swale, or other
510 stormwater conveyance system constructed by man except for restored stormwater
511 conveyance systems;

512 (2) *Natural stormwater conveyance system* means the main channel of a natural stream and
513 the flood-prone area adjacent to the main channel; or

514 (3) *Restored stormwater conveyance system* means a stormwater conveyance system that
515 has been designed and constructed using natural channel design concepts. Restored
516 stormwater conveyance systems include the main channel and the flood-prone area
517 adjacent to the main channel.

518 *Stormwater detention* means the process of temporarily impounding runoff and discharging it
519 through a hydraulic outlet structure to a downstream conveyance system.

520 *Stormwater management facility* means a control measure that controls stormwater runoff and
521 changes the characteristics of that runoff including, the quantity and quality, the period of
522 release or the velocity of flow.

523 *Stormwater management plan* means a document(s) containing material for describing
524 methods for complying with the requirements of this Chapter.

525 *Stormwater Pollution Prevention Plan* or *SWPPP* means a document that is prepared in
526 accordance with good engineering practices and that identifies potential sources of pollutants
527 that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP
528 required under a VESMP or VSMP for construction activities will identify and require the
529 implementation of control measures and will include or incorporate by reference an approved
530 erosion and sediment control plan, an approved stormwater management plan, and a pollution
531 prevention plan.

532 *Subdivision* means the same as defined in Chapter 101 of the Code.

533 *Surface waters* means:

- 534 (1) All waters that are currently used, were used in the past, or may be susceptible to use
535 in interstate or foreign commerce, including all waters that are subject to the ebb and
536 flow of the tide;
- 537 (2) All interstate waters, including interstate wetlands;
- 538 (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams),
539 mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or
540 natural ponds the use, degradation, or destruction of which would affect or could affect
541 interstate or foreign commerce including any such waters:
- 542 (a) That are or could be used by interstate or foreign travelers for recreational or other
543 purposes;
- 544 (b) From which fish or shellfish are or could be taken and sold in interstate or foreign
545 commerce; or
- 546 (c) That are used or could be used for industrial purposes by industries in interstate
547 commerce;
- 548 (4) All impoundments of waters otherwise defined as surface waters under this definition;
- 549 (5) Tributaries of waters identified in subdivisions 1 through 4 of this definition;
- 550 (6) The territorial sea; and
- 551 (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified
552 in subdivisions 1 through 6 of this definition.

553 Waste treatment systems, including treatment ponds or lagoons designed to meet the
554 requirements of the CWA and the law, are not surface waters. Surface waters do not include
555 prior converted cropland. Notwithstanding the determination of an area's status as prior
556 converted cropland by any other agency, for the purposes of the CWA, the final authority
557 regarding the CWA jurisdiction remains with EPA.

558 *SWM* means stormwater management.

559 *Ten-year storm* or *10-year storm* means a storm that is capable of producing rainfall expected
560 to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an
561 exceedance probability with a 10% chance of being equaled or exceeded in any given year.

562 *Total maximum daily load* or *TMDL* means the sum of the individual wasteload allocations
563 (WLAs) for point sources, load allocations (LAs) for nonpoint sources, natural background
564 loading and a margin of safety. TMDLs can be expressed in terms of either mass per time,
565 toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint
566 source trade-offs. *TMDL Action Plan* means the scheduled steps of activities that the MS4
567 operator will take to address the assumptions and requirements of the TMDL wasteload
568 allocation. TMDL action plans may be implemented in multiple phases over more than one
569 permit cycle.

570 *Town* means an incorporated town.

571 *Two-year storm* means a storm that is capable of producing rainfall expected to be equaled or
572 exceeded on the average of once in two years. It may also be expressed as an exceedance
573 probability with a 50% chance of being equaled or exceeded in any given year.

574 *Unincorporated areas* means any area that is not an incorporated city, town, township, or
575 village under the Code of Virginia.

576 *Virginia Erosion and Sediment Control Program* or *VESCP* means a program approved by the
577 Department that is established by a VESCP authority for the effective control of soil erosion,
578 sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to
579 prevent the unreasonable degradation of properties, stream channels, waters, and other natural
580 resources and will include such items where applicable as local ordinances, rules, policies and
581 guidelines, technical materials, and requirements for plan review, inspection, and evaluation
582 consistent with the requirements of the ESCL.

583 *Virginia Erosion and Sediment Control Program authority* or *VESCP authority* means a
584 locality that is approved by the Department to operate a Virginia Erosion and Sediment Control
585 Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1
586 of the Virginia Code.. Only a locality for which the Department administered a Virginia
587 Stormwater Management Program as of July 1, 2017, is authorized to choose to operate a
588 VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq. of the Code of Virginia). A locality
589 that has chosen not to establish a VESMP pursuant to subdivision B 3 of § 62.1-44.15:27 of
590 the Code of Virginia is required to become a VESCP authority in accordance with the ESCL.

591 *Virginia Erosion Stormwater Management Act* means Article 2.3 (§ 62.1-44.15:24 et seq.) of
592 Chapter 3.1 of Title 62.1 of the Virginia Code.

593 *Virginia Erosion and Stormwater Management Program* or *VESMP* means a program
594 established by a VESMP authority for the effective control of soil erosion and sediment
595 deposition and the management of the quality and quantity of runoff resulting from land-
596 disturbing activities to prevent the unreasonable degradation of properties, stream channels,
597 waters, and other natural resources. The program will include such items as local ordinances,
598 rules, requirements for permits and land-disturbance approvals, policies and guidelines,
599 technical materials, and requirements for plan review, inspection, and enforcement consistent
600 with the requirements of the VESMA.

601 *Virginia Erosion and Stormwater Management Program authority* or *VESMP authority* means,
602 for purposes of this Chapter, Fairfax County, Virginia or “the County.” For state agency or
603 federal entity land-disturbing activities and land-disturbing activities subject to approved
604 standards and specifications, the Department will serve as the VESMP authority.

605 *Virginia Pollutant Discharge Elimination System permit* or *VPDES permit* means a document
606 issued by the Department pursuant to the State Water Control Law authorizing, under
607 prescribed conditions, the potential or actual discharge of pollutants from a point source to
608 surface waters.

609 *Virginia Stormwater BMP Clearinghouse website* means a collection that contains detailed
610 design standards and specifications for control measures that may be used in Virginia to
611 comply with the requirements of the VESMA and associated regulations.

612 *Virginia Stormwater Management Handbook* means a collection of pertinent information that
613 provides general guidance for compliance with the Act and associated regulations and is

614 developed by the Department of Environmental Quality with advice from a stakeholder
615 advisory committee.

616 *Virginia Stormwater Management Program* or *VSMP Virginia Stormwater Management*
617 *Program* or *VSMP* means a program established by the Department pursuant to Va. Code §
618 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and
619 quantity of runoff resulting from any land-disturbing activity that (i) disturbs one acre or more
620 of land or (ii) disturbs less than one acre of land and is part of a larger common plan of
621 development or sale that results in one acre or more of land disturbance.

622 *Virginia Stormwater Management Program authority* or *VSMP authority* means the
623 Department when administering a VSMP on behalf of a locality that, pursuant to subdivision
624 B 3 of § 62.1-44.15:27 of the Code of Virginia, has chosen not to adopt and administer a
625 VESMP.

626 *Wasteload allocation* or *wasteload* or *WLA* means the portion of a receiving surface water's
627 loading or assimilative capacity allocated to one of its existing or future point sources of
628 pollution. WLAs are a type of water quality-based effluent limitation.

629 *Water quality technical criteria* means standards set forth in this Chapter that establish
630 minimum design criteria for measures to control nonpoint source pollution.

631 *Water quantity technical criteria* means standards set forth in this Chapter that establish
632 minimum design criteria for measures to control localized flooding and stream channel erosion.

633 *Watershed* means a defined land area drained by a river or stream, karst system, or system of
634 connecting rivers or streams such that all surface water within the area flows through a single
635 outlet. In karst areas, the karst feature to which water drains may be considered the single outlet
636 for the watershed.

637 *Wetlands* means those areas that are inundated or saturated by surface or groundwater at a
638 frequency and duration sufficient to support, and that under normal circumstances do support,
639 a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands
640 generally include swamps, marshes, bogs, and similar areas.

641

642 **Section 124.1-1-6. - Areas of Applicability.**

643 This Chapter applies to all land located within the unincorporated areas of Fairfax County.

644

645 **Section 124.1-1-7. - Activities Exempt from this Chapter.**

646 (A) Notwithstanding any other provisions of this Chapter, the following activities are exempt from
647 the provisions of this Chapter, unless otherwise required by federal law:

648 (1) Minor land-disturbing activities, including home gardens and individual home
649 landscaping, repairs, and maintenance work;

650 (2) Installation, maintenance, or repair of any individual service connection;

651 (3) Installation, maintenance, or repair of any underground utility line when such activity
652 occurs on an existing hard surfaced road, street, or sidewalk, provided the land-

- 653 disturbing activity is confined to the area of the road, street, or sidewalk that is hard
654 surfaced;
- 655 (4) Installation, maintenance, or repair of any septic tank line or drainage field unless
656 included in an overall plan for land-disturbing activity relating to construction of the
657 building to be served by the septic tank system;
- 658 (5) Permitted surface or deep mining operations and projects, or oil and gas operations and
659 projects conducted under the provisions of Title 45.1 of the Virginia Code;
- 660 (6) Clearing of lands specifically for agricultural purposes and the management, tilling,
661 planting or harvesting of agricultural, horticultural, or forest crops; livestock feedlot
662 operations, or as additionally set forth by the Virginia State Water Control Board in
663 regulations, including engineering operations as follows: construction of terraces,
664 terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister
665 furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
666 however, this exception will not apply to harvesting of forest crops unless the area on
667 which harvesting occurs is reforested artificially or naturally in accordance with the
668 provisions of Chapter 11 of the Virginia Code (§ 10.1-1100 et seq.) or is converted to
669 bona fide agricultural or improved pasture use as described in Va. Code §10.1-1163(B).
- 670 (7) Installation of fence and sign posts or telephone and electric poles and other kinds of
671 posts or poles;
- 672 (8) Shoreline erosion control projects on tidal waters when all of the land-disturbing
673 activities are within the regulatory authority of and approved by local wetlands boards,
674 the Virginia Marine Resources Commission, or the U.S. Army Corps of Engineers;
675 however, any associated land that is disturbed outside of this exempted area is subject
676 to the requirements of the Act and this Chapter;
- 677 (9) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and
678 other related structures and facilities of a railroad company;
- 679 (10) Land-disturbing activities in response to a public emergency where the related work
680 requires immediate authorization to avoid imminent endangerment to human health or
681 the environment. In such situations, the County must be advised of the disturbance
682 within seven days of commencing the land-disturbing activity, and compliance with
683 the administrative requirements of 9 VAC 25-875-530 and this Chapter is required
684 within 30 days of commencing the land-disturbing activity; and
- 685 (11) Discharges to a sanitary sewer or a combined sewer system that are not from a land-
686 disturbing activity;
- 687 (B) Notwithstanding any other provision of the Act, the following activities are required to comply
688 with the soil erosion control requirements set forth in Article 6 of this Chapter but are not
689 required to comply with the water quantity and water quality technical criteria set forth in
690 Article 4 or 5 of this Chapter, unless otherwise required by federal law:
- 691 (1) Activities under a state or federal reclamation program to return an abandoned property
692 to an agricultural or open land use;
- 693 (2) Routine maintenance that is performed to maintain the original line and grade, hydraulic
694 capacity, or original construction of the project. The paving of an existing road with a

695 compacted or impervious surface and reestablishment of existing associated ditches
696 and shoulders will be deemed routine maintenance if performed in accordance with this
697 subsection; and

698 (3) Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer
699 system.

700 (C) Soil erosion control and water quantity technical criteria apply to land-disturbing activities for
701 single-family detached residential structures that disturb 2,500 square feet or more of land.
702 Such land-disturbing activity are also required to comply with the water quality technical
703 criteria, except as follows:

704 Single-family dwellings separately built and disturbing less than 1 acre and not part of a larger
705 common plan of development or sale, including: additions to existing single-family detached
706 dwellings; accessory structures to single-family detached dwellings; and demolitions of single-
707 family detached dwellings or accessory structures where the proposed construction meets one
708 of the following conditions unless control measures are required to address a specific WLA for
709 a pollutant that has been established in a TMDL and assigned to stormwater discharges from
710 construction activities within the watershed:

711 (1) Total imperviousness on the lot will be less than 2,500 square feet or 18% of the lot
712 area, whichever is greater; or

713 (2) The total lot area is one-half acre or less and no more than 500 square feet of new
714 impervious area will be added; or

715 (3) Water quality controls meeting requirements in effect at the time were provided with
716 the original subdivision construction and are currently in place; or

717 (4) The property is served by an existing regional stormwater management facility
718 providing water quality control.

719 In order to demonstrate compliance with conditions (c) or (d) above, an applicant for a land-
720 disturbance permit need only certify that water quality controls were included as part of the
721 approved subdivision plans and have not been removed or that the site drains to an existing
722 regional stormwater management facility providing water quality control.

723 A plan addressing these requirements must be submitted to the VESMP authority in accordance
724 with Section 124.1-2-5.

725

726 **Section 124.1-1-8. - Applicability of and Conflicts with Other Laws and Regulations.**

727 Nothing in this chapter limits the applicability of other laws and regulations, including, the Clean
728 Water Act, VESMA, ESCL, and the Chesapeake Bay Preservation Act, and all applicable
729 regulations adopted in accordance with those laws, or the rights of other federal agencies, state
730 agencies, or local governments to impose more stringent technical criteria or other requirements
731 as allowed by law.

732

733 **Section 124.1-1-9. - Severability.**

734 If any of the articles, sections, paragraphs, sentences, clauses, or phrases of this Chapter are
735 declared unconstitutional or invalid by a valid judgment or decree of a court of competent
736 jurisdiction, such unconstitutionality or invalidity will not affect the validity of the Chapter in its
737 entirety or any of the remaining articles, sections, paragraphs, sentences, clauses, and phrases.

738

739 **ARTICLE 2. - Requirements for Land Disturbing Activity.**

740

741 **Section 124.1-2-1. - Regulated Land-Disturbing Activity.**

742 (A) Unless otherwise set forth in subsection (B), the following land-disturbing activities are subject
743 to the criteria set forth in Article 4 and Article 6 of this Chapter:

744 (1) land-disturbing activity that disturbs 2,500 square feet or more, and

745 (2) land-disturbing activity that is part of a larger common plan of development or sale that
746 disturbs one acre or more.

747 (B) Land-disturbing activities exempt per Section 124.1-1-7 are not required to comply with the
748 requirements of the VESMA and this Chapter unless otherwise required by federal law.

749 (C) Land-disturbing activities determined to be in accordance with Sections 124.1-2-2 or
750 124.1-2-3 are subject to the technical criteria set forth in Article 5 of this Chapter.

751

752 **Section 124.1-2-2. - Legacy Land-Disturbing Activity.**

753 (A) Any land-disturbing activity is considered legacy by the County and subject to the technical
754 criteria of Article 5 of this Chapter provided:

755 (1) A currently valid proffered rezoning or P district rezoning or other rezoning with a plan
756 of development, special exception, special permit, variance, preliminary or final
757 subdivision plat, subdivision construction plan, preliminary or final site plan, or
758 grading plan, was approved by the County prior to July 1, 2012; and

759 (2) The proffered rezoning or P district rezoning or other rezoning with a plan of
760 development, special exception, special permit, variance, preliminary or final
761 subdivision plat, subdivision construction plan, preliminary or final site plan, or
762 grading plan provides sufficient information to demonstrate that the resulting land-
763 disturbing activity will comply with the technical requirements of Article 5 and include,
764 as a minimum, the following: (i) a conceptual drawing that identifies the location of
765 the proposed stormwater facilities; (ii) pre- and post-development calculations that
766 detail the required pollutant reduction necessary to comply with the water quality
767 design criteria; and (iii) calculations necessary to determine compliance with the water
768 quantity design criteria; and

769 (3) The proffered rezoning or P district rezoning or other rezoning with a plan of
770 development, special exception, special permit, variance, preliminary or final
771 subdivision plat, subdivision construction plan, preliminary or final site plan, or
772 grading plan has not been subsequently modified or amended in a manner resulting in

- 773 an increase over the previously approved plat or plan in the amount of phosphorus
774 leaving each point of discharge or the volume or rate of runoff; and,
- 775 (4) A state permit has not been issued prior to July 1, 2014; and
776 (5) Land disturbance did not commence prior to July 1, 2014.
- 777 (B) Local, state, and federal projects are considered legacy by the County and are subject to the
778 technical criteria Article 5 of this Chapter provided:
- 779 (1) There has been an obligation of locality, state, or federal funding, in whole or in part,
780 prior to July 1, 2012, or the Department has approved a stormwater management plan
781 prior to July 1, 2012;
- 782 (2) A state permit has not been issued prior to July 1, 2014; and
783 (3) Land disturbance did not commence prior to July 1, 2014.
- 784 (C) Land disturbing activities that meet the conditions under subsections A and B of this Section
785 remain subject to the technical criteria of Article 5 of this Chapter for one additional permit
786 cycle. After such time, portions of the project not under construction are subject to any new
787 technical criteria adopted by the board.
- 788 (D) In cases where governmental bonding or public debt financing has been issued for a project
789 prior to July 1, 2012, such project is subject to the technical criteria of Article 5 of this Chapter.
- 790 (E) Nothing in this Section precludes an operator from constructing to a more stringent standard
791 at the operator's discretion.

792

793 **Section 124.1-2-3. - Time Limits on Applicability of Approved Design Criteria.**

- 794 (A) Land-disturbing activities that obtained an initial state permit or commence land disturbance
795 prior to July 1, 2014, must be conducted in accordance with the technical criteria of Article 5
796 of this Chapter, unless more stringent standards are used. Such projects remain subject to the
797 technical criteria of Article 5 for two additional permit cycles. After such time, portions of the
798 project not under construction become subject to any new technical criteria adopted by the
799 board.
- 800 (B) Land-disturbing activities that obtain or obtained an initial state permit on or after July 1, 2014,
801 must be conducted in accordance with the technical criteria of Article 4 of this Chapter, except
802 as provided for in Section 124.1-2-2. Land-disturbing activities conducted in accordance with
803 the technical criteria of Article 4 of this Chapter remain subject to the technical criteria of
804 Article 4 of this Chapter for two additional permit cycles. After such time, portions of the
805 project not under construction become subject to any new technical criteria adopted by the
806 board.
- 807 (C) Nothing in this section precludes an operator from constructing to a more stringent standard at
808 the operator's discretion.

809

810 **Section 124.1-2-4. - Chesapeake Bay Preservation Act Land-Disturbing Activity.**

- 811 (A) In order to protect the quality of state waters and to control the discharge of stormwater
812 pollutants from land-disturbing activities, runoff associated with land-disturbing activities in
813 Chesapeake Bay Preservation Areas that are equal to or greater than 2,500 square feet but less
814 than one acre are subject to the Chesapeake Bay Preservation Act or, in the case of state and
815 federal agency projects, DEQ.
- 816 (B) Unless excluded by Section 124.1-1-7, land disturbing activities with state permits issued after
817 June 30, 2014, do not require completion of a registration statement or require coverage under
818 the General VPDES Permit for Discharges of Stormwater from Construction Activities but are
819 subject to the following technical criteria and program and administrative requirements:
- 820 (1) An erosion and sediment control plan consistent with the requirements of Section
821 124.1-6-2 must be designed, submitted and pre-approved by the County, and
822 implemented during all land-disturbing activities.;
- 823 (2) A stormwater management plan must be designed, developed and submitted to and pre-
824 approved by the County consistent with the requirements of Sections 124.1-3-2 and
825 124-2-5 and must be implemented during all the land-disturbing activity.
- 826 (3) Long-term maintenance of stormwater management facilities in accordance with
827 Section 124-2-6;
- 828 (4) Water quality design criteria in accordance with Article 4;
- 829 (5) Water quality compliance in accordance with Section 124.1-4-3;
- 830 (6) Channel protection and flood protection in accordance with Article 4;
- 831 (7) Offsite compliance options in accordance with Section 124.1-4-5; and
- 832 (8) Design storm and hydrologic methods in accordance with Sections 124.1-4-6,
833 124.1-4-8, and 124.1-4-10.
- 834 (9) Exceptions may be requested to the County in accordance with Article 7 of this Chapter.
- 835

836 **Section 124.1-2-5. - Review and Approval of Plans; Issuance of County Land-Disturbance**
837 **Permit for Land-Disturbing Activity.**

- 838 (A) Except for activities set forth in Section 124.1-1-7 of this Chapter, prior to any land-disturbing
839 activity, a person seeking to conduct such activity must file an application to LDS that includes
840 a state permit registration statement, if required, and a soil erosion control and stormwater
841 management plan, if required.
- 842
- 843 (B) The County will review and approve or disapprove an ESM plan in accordance with the
844 requirements set forth in Sections 124.1-3-2 and 124.1-6-2.
- 845
- 846 (C) The County must determine the completeness of any application within 15 days after receipt
847 and must act on any application within 60 days after it has been determined by the County to
848 be complete.
- 849

- 850 (D) Applicants may resubmit a previously disapproved application and the County will determine
851 whether any resubmission is complete within 15 days after receipt and must act on the
852 resubmitted application within 45 days after receipt.
853
- 854 (E) An applicant seeking land-disturbance approval must submit to the County the name of the
855 individual who will be assisting the owner in carrying out the activity and holds a Responsible
856 Land Disturber certificate pursuant to Va. Code § 62.144.15:30. Failure to provide the name
857 of an individual holding a Responsible Land Disturber certificate prior to engaging in land-
858 disturbing activities may result in revocation of the land-disturbance approval and is a violation
859 of this Chapter.
860
- 861 (F) Excluding state agencies and federal entities, an applicant seeking land-disturbance approval
862 must submit to the County a reasonable performance bond with surety, cash escrow, letter of
863 credit, any combination thereof, or such other legal arrangement acceptable to the County, to
864 ensure that measures could be taken by the County at the applicant's expense should the
865 applicant fail, after proper notice, within the time specified to comply with conditions imposed
866 by imposed by the County as a result of the applicant's land-disturbing activity. If the County
867 takes such action upon such failure by the applicant, the County may collect from the applicant
868 for the difference should the amount of the reasonable cost of such action exceed the amount
869 of the security held. Within 60 days of the completion of the County's conditions, such bond,
870 cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated
871 portion thereof, will be refunded to the applicant or terminated. These requirements are in
872 addition to all other provisions of law relating to the issuance of state permits and are not
873 intended to otherwise affect the requirements for such state permits including performance
874 guarantees for items unrelated to the County land-disturbance permit.
875
- 876 (G) Prior to issuing a land-disturbance approval, the County is required to obtain evidence of state
877 permit coverage when such coverage is required.
878
- 879 (H) The County must issue either land-disturbance approval in the form of a County land-
880 disturbance permit or denial and provide written rationale for any denial.
881
- 882 (I) The County may require changes to an approved soil erosion control and stormwater
883 management plan in the following cases:
- 884 (1) An inspection has revealed that the plan is inadequate to satisfy applicable regulations
885 or ordinances; or
- 886 (2) The owner finds that because of changed circumstances or for other reasons the plan
887 cannot be effectively carried out, and proposed amendments to the plan consistent with
888 the requirements of this Chapter are agreed to by the County and the owner.
- 889 (J) In order to prevent further erosion, the County may require approval of an erosion and sediment
890 control and a stormwater management plan for any land it identifies as an erosion impact area.
891
- 892 (K) The County may enter into an agreement with an adjacent VESMP authority regarding the
893 administration of multijurisdictional projects, specifying who will be responsible for all or part
894 of the administrative procedures. If the County and the adjacent VESMP authority fail to reach

895 such an agreement, each will be responsible for administering the area of the
896 multijurisdictional project that lies within its jurisdiction.

897

898 (L) The County may cooperate with and enter into agreements with any federal or state agency in
899 connection with the requirements for land-disturbing activities in accordance with Va. Code
900 §62.1-44.15:50.

901

902 (M) No exception to, or waiver of, post-development nonpoint nutrient runoff compliance
903 requirements will be granted unless offsite options have been considered and found not
904 available in accordance with Va. Code § 62.1-44.15:35(D).

905

906 **Section 124.1-2-6. - Long-term maintenance of stormwater management facilities.**

907 (A) The operator of any permanent stormwater management facility in the County must submit a
908 construction record drawing in accordance with the Public Facilities Manual including a
909 statement signed by a professional registered in the Commonwealth of Virginia pursuant to
910 Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, stating that to the best of
911 the professional's knowledge, the construction record drawing shows all adjustments and
912 revisions to the stormwater management plan made during construction and serves as a
913 permanent record of the actual location of all constructed elements. The property owner is
914 required to provide for long-term responsibility and maintenance of stormwater management
915 facilities and other techniques specified to manage the quality or quantity of runoff. Such
916 requirements must be delineated in an instrument recorded in the Fairfax County land records
917 prior to approval to begin land-disturbing activities and must at a minimum:

918 (1) Be submitted to the County for review and approval prior to the approval of the
919 stormwater management plan;

920 (2) Be stated to run with the land;

921 (3) Provide for all necessary access to the property for purposes of maintenance and
922 regulatory inspections;

923 (4) Provide for inspections and maintenance and the submission of inspection and
924 maintenance reports to the County; and

925 (5) Be enforceable by all appropriate governmental parties.

926 (6) Ensure that measures could be taken by the County to maintain the stormwater
927 management facilities or perform inspections at the owner's expense should the owner
928 fail to maintain the stormwater management facilities in good working order in
929 accordance with the maintenance specifications in the agreement or perform the
930 periodic inspections required by the agreement;

931 (7) Provide that in the event the County, pursuant to the agreement, performs work of any
932 nature or expends any funds in performance of said work for labor, use of equipment,
933 supplies, materials, and the like, the owner will reimburse the County for all costs
934 incurred by the County; and

935 (8) Provide for liens to be placed on the property should the owner fail to reimburse the
936 County for costs incurred by the County.

937

938 **Section 124.1-2-7. - Inspections; Records and Reports**

939 (A) The County will periodically inspect land-disturbing activities during construction, in
940 accordance with the County's Inspection Program as set forth in the Public Facilities Manual,
941 for:

942 (1) Compliance with the approved erosion and sediment control plan;

943 (2) Compliance with the approved stormwater management plan;

944 (3) Development, updating, and implementation of a pollution prevention plan; and

945 (4) Development and implementation of any additional control measures necessary to address
946 a TMDL.

947 (B) The County will conduct periodic inspections in accordance with the County's Inspection
948 Program as set forth in the Public Facilities Manual to ensure that permanent stormwater
949 management facilities are being adequately maintained as designed after completion of land-
950 disturbing activities. Such inspections will be made by the County or the County's designee,
951 not to include the owner, except as provided in subsections D of this section, at least once every
952 five years.

953 (C) The County may utilize the inspection reports of the owner of a stormwater management
954 facility as part of an inspection program established in subsection B of this Section if the
955 inspection is conducted by a person who is licensed as a professional engineer, architect,
956 landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of
957 Title 54.1 of the Code of Virginia; a person who works under the direction and oversight of
958 the licensed professional engineer, architect, landscape architect, or land surveyor; or a person
959 who holds an appropriate certificate of competence from the DEQ.

960 (D) Subject to the limitations and conditions set forth in 9 VAC 25-875-900, every owner, applicant
961 or state permittee must furnish when requested such application materials, plans,
962 specifications, and other pertinent information as may be necessary to determine the effect of
963 permit applicant's or permittee's discharge on the quality of state waters, or such other
964 information as may be necessary to accomplish the purposes of the State Water Control Law
965 and this Chapter. Any personal information will not be disclosed except to an appropriate
966 official of the Department or the County or as may be authorized pursuant to the Virginia
967 Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

968 (E) The County will perform inspections to ensure compliance with Article 10.

969

970 **Section 124.1-2-8. - Right of Entry.**

971 (A) The County or any duly authorized agent thereof, may, at reasonable times and under
972 reasonable circumstances, enter any establishment or upon any property, public or private, for
973 the purpose of obtaining information or conducting surveys or investigations necessary in the
974 enforcement of the provisions of this Chapter. This authority applies only to those properties
975 from which a discharge enters the County's municipal separate storm sewer system.

976 (B) In accordance with a performance bond with surety, cash escrow, letter of credit, any
977 combination thereof, or such other legal arrangement, the County may also enter any
978 establishment or upon any property, public or private, for the purpose of initiating or
979 maintaining appropriate actions that are required by conditions imposed by the County on a
980 land-disturbing activity when an owner, after proper notice, has failed to take acceptable action
981 within the time specified.

982 (C) A warrant may be obtained in accordance with applicable local, state, and federal law when
983 necessary to carry out the provisions of this Chapter.

984

985 **Section 124.1-2-9. - Annual Standards and Specifications for State Agencies, Federal**
986 **Entities, and Other Specified Entities.**

987 (A) As an alternative to submitting erosion and sediment control plans for its land-disturbing
988 activities, the Virginia Department of Transportation must, and any other state agency or
989 federal entity may, submit standards and specifications for its conduct of land-disturbing
990 activities to the Virginia Department of Environmental Quality for approval. Approved
991 standards and specifications must be consistent with the VESMA and Article 2 of Part V of
992 the Virginia Erosion and Stormwater Management Regulations.

993 (B) As an alternative to submitting erosion and sediment control plans, electric, natural gas, and
994 telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad
995 companies and authorities created pursuant to Va. Code § 15.2-5102 may submit standards and
996 specifications to Virginia Department of Environmental Quality for approval that describe how
997 land-disturbing activities must be conducted. Such standards and specifications may be
998 submitted for the following types of projects:

999 (1) Construction, installation, or maintenance of electric transmission and distribution lines,
1000 oil or gas transmission and distribution pipelines, communication utility lines, and water
1001 and sewer lines; and

1002 (2) Construction of the tracks, rights-of-way, bridges, communication facilities, and other
1003 related structures and facilities of a railroad company.

1004 (C) As an alternative to submitting erosion and sediment control plans, any person engaging in
1005 more than one jurisdiction in the creation and operation of a wetland mitigation or stream
1006 restoration bank that has been approved and is operated in accordance with applicable federal
1007 and state guidance, laws, or regulations for the establishment, use, and operation of a wetlands
1008 mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by
1009 the department, the Virginia Marine Resources Commission, or the U.S. Army Corps of
1010 Engineers, may submit standards and specifications to the Department of Environmental
1011 Quality for approval that describe how land-disturbing activities must be conducted.

1012 (D) Approval of standards and specifications by the Virginia Department of Environmental
1013 Quality does not relieve the owner or operator of the duty to comply with any other applicable
1014 county ordinances or regulations.

1015

1016

ARTICLE 3. – Stormwater Management: Plan Requirements

1017

1018 **Section 124.1-3-1. - Stormwater Pollution Prevention Plan Requirements.**

1019 (A) Stormwater pollution prevention plans must include an approved erosion and sediment control
1020 plan, an approved stormwater management plan, a pollution prevention plan for regulated land-
1021 disturbing activities, and a description of any additional control measures necessary to address
1022 a TMDL pursuant to subsection E of this section.

1023 (B) Erosion and sediment control plans must be designed and implemented throughout
1024 construction activities consistent with the requirements of Section 124.1-6-2 and must be
1025 approved by the County prior to any land disturbance.

1026 (C) Stormwater management plans must be designed and implemented consistent with the
1027 requirements of Section 124.1-3-2 throughout all construction activities and must be approved
1028 by the County prior to any land disturbance.

1029 (D) Pollution prevention plans identifying potential sources of pollutants that may reasonably be
1030 expected to affect the quality of stormwater discharges from the construction site and describe
1031 control measures that will be used to minimize pollutants in stormwater discharges from the
1032 construction site must be developed before land disturbance commences.

1033 (E) In addition to the requirements of subsections A through D of this section, if a specific
1034 wasteload allocation for a pollutant has been established in an approved TMDL and is assigned
1035 to stormwater discharges from a construction activity, additional control measures must be
1036 identified and implemented by the operator so that discharges are consistent with the
1037 assumptions and requirements of the wasteload allocation.

1038 (F) The stormwater pollution prevention plan (SWPPP) must address the following requirements
1039 as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and
1040 any applicable requirements of a permit:

1041 (1) Control of stormwater volume and velocity within the site to minimize soil erosion;

1042 (2) Control of stormwater discharges, including both peak flow rates and total stormwater
1043 volume, to minimize erosion at outlets and to minimize downstream channel and stream
1044 bank erosion;

1045 (3) Minimization of the amount of soil exposed during construction activity;

1046 (4) Minimization of the disturbance of steep slopes;

1047 (5) Minimization of sediment discharges from the site. The design, installation, and
1048 maintenance of erosion and sediment controls must address factors such as the amount,
1049 frequency, intensity, and duration of precipitation, the nature of resulting stormwater
1050 runoff, and soil characteristics, including the range of soil particle sizes expected to be
1051 present on the site;

1052 (6) Provisions for and maintenance of natural buffers around surface waters, direct stormwater
1053 to vegetated areas to increase sediment removal, and maximize stormwater infiltration,
1054 unless infeasible;

1055 (7) Minimization of soil compaction and, unless infeasible, preserve topsoil;

1056 (8) Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever
1057 any clearing, grading, excavating, or other earth disturbing activities have permanently
1058 ceased on any portion of the site, or temporarily ceased on any portion of the site and will
1059 not resume for a period exceeding 14 calendar days. Stabilization must be completed within
1060 a period of time determined by the County. In arid, semi-arid, and drought-stricken areas
1061 where initiating vegetative stabilization measures immediately is infeasible, alternative
1062 stabilization measures must be employed as specified by the County; and

1063 (9) Utilization of outlet structures that withdraw water from the surface, unless infeasible, when
1064 discharging from basins and impoundments.

1065 (G) The SWPPP must be timely amended whenever there is a change in design, construction,
1066 operation, or maintenance that has a significant effect on the discharge of pollutants to state
1067 waters and that has not been previously addressed in the SWPPP. The SWPPP must be
1068 maintained at a central location onsite. If an onsite location is unavailable, notice of the
1069 SWPPP's location must be posted near the main entrance at the construction site.

1070

1071 **Section 124.1-3-2. - Stormwater Management Plan Requirements.**

1072 (A) Stormwater management plans must be developed and submitted to the County and must be
1073 implemented as approved or modified by the County in accordance with the applicable
1074 technical criteria set forth in Article 4 or Article 5 of this Chapter, as applicable, to the entire
1075 land-disturbing activity. Individual lots in new residential, commercial, or industrial
1076 developments, including those developed under subsequent owners, are not considered
1077 separate land-disturbing activities.

1078 (B) Stormwater management plans must consider all sources of surface runoff and all sources of
1079 subsurface and groundwater flows converted to surface runoff.

1080 (C) A complete stormwater management plan must include the following elements:

1081 (1) Information on the type of and location of stormwater discharges, information on the
1082 features to which stormwater is being discharged including surface waters or karst features
1083 if present, and predevelopment and post-development drainage areas;

1084 (2) Contact information including the name, address, telephone number, and email address of
1085 the owner and the tax reference number and parcel number of the property or properties
1086 affected;

1087 (3) A narrative that includes a description of current site conditions and final site conditions or
1088 if allowed by the County, the information provided and documented during the review
1089 process that addresses the current and final site conditions;

1090 (4) A general description of the proposed stormwater management facilities and the
1091 mechanism through which the facilities will be operated and maintained after construction
1092 is complete;

1093 (5) Information on the proposed stormwater management facilities, including (i) detailed
1094 narrative on the conversion to a long-term stormwater management facility if the facility
1095 was used as a temporary ESC measure; (ii) the type of facilities; (iii) location, including

- 1096 geographic coordinates; (iv) acres treated; and (v) the surface waters or karst features into
 1097 which the facility will discharge;
- 1098 (6) Hydrologic and hydraulic computations, including runoff characteristics;
- 1099 (7) Documentation and calculations verifying compliance with the water quality and quantity
 1100 requirements of this chapter;
- 1101 (8) A map of the site that depicts the topography of the site and includes:
- 1102 (a) All contributing drainage areas;
- 1103 (b) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and
 1104 floodplains;
- 1105 (c) Soil types, geologic formations if karst features are present in the area, forest cover,
 1106 and other vegetative areas;
- 1107 (d) Current land use including existing structures, roads, and locations of known utilities
 1108 and easements;
- 1109 (e) Sufficient information on adjoining parcels to assess the impacts of stormwater from
 1110 the site on these parcels;
- 1111 (f) The limits of clearing and grading, and the proposed drainage patterns on the site;
- 1112 (g) Proposed buildings, roads, parking areas, utilities, and stormwater management
 1113 facilities; and
- 1114 (h) Proposed land use with tabulation of the percentage of surface area to be adapted to
 1115 various uses, including planned locations of utilities, roads, and easements;
- 1116 (9) If an operator intends to meet the requirements established in Sections 124.1-4-2 and 124.1-
 1117 4-4 through the use of offsite compliance options, where applicable, then a letter of
 1118 availability from the offsite provider must be included; and
- 1119 (10) If payment of a fee is required with the stormwater management plan submission to the
 1120 County, the fee in accordance with Appendix Q of the Code must have been submitted.
- 1121 (D) All final plan elements, specifications, or calculations of the stormwater management plans
 1122 whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200
 1123 et seq.) of Title 54.1 of the Code of Virginia must be appropriately signed and sealed by a
 1124 professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing
 1125 in this subsection authorizes any person to engage in practice outside that person's area of
 1126 professional competence.

1127

1128 **Section 124.1-3-3. Pollution Prevention Plans.**

- 1129 (A) A plan for implementing pollution prevention measures during construction activities must be
 1130 developed, implemented, and updated as necessary. The pollution prevention plan must detail
 1131 the design, installation, implementation, and maintenance of effective pollution prevention
 1132 measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a
 1133 minimum, such measures must be designed, installed, implemented, and maintained to:

- 1134 (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash
 1135 water, and other wash waters. Wash waters must be treated in a sediment basin or
 1136 alternative control that provides equivalent or better treatment prior to discharge;
- 1137 (2) Minimize the exposure of building materials, building products, construction wastes, trash,
 1138 landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other
 1139 materials present on the site to precipitation and to stormwater; and
- 1140 (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill
 1141 and leak prevention and response procedures.
- 1142 (B) The pollution prevention plan shall include effective best management practices to prohibit the
 1143 following discharges in accordance with 40 CFR 450.21(e):
- 1144 (1) Wastewater from washout of concrete, unless managed by an appropriate control;
- 1145 (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing
 1146 compounds, and other construction materials;
- 1147 (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 1148 and
- 1149 (4) Soaps or solvents used in vehicle and equipment washing.
- 1150 (C) Discharges from dewatering activities, including discharges from dewatering of trenches and
 1151 excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR
 1152 450.21(c).

1153

1154 **ARTICLE 4. - Water Quantity and Water Quality Technical Criteria for Regulated Land-**
 1155 **Disturbing Activity**

1156

1157 **Section 124.1-4-1. - Applicability.**

1158 Except as provided for in Section 124.1-2-2, this Article establishes the minimum technical criteria
 1159 that must be employed to protect the quality and quantity of state waters from the potential harm
 1160 of unmanaged stormwater runoff resulting from land-disturbing activities.

1161

1162 **Section 124.1-4-2. - Water Quality Design Criteria Requirements.**

1163 (A) In order to protect the quality of state waters and to control the discharge of stormwater
 1164 pollutants from regulated activities, the following minimum design criteria and standards for
 1165 stormwater management must be applied to the site:

1166 (1) New development. The total phosphorus load of new development projects must not
 1167 exceed 0.41 pounds per acre per year, as calculated pursuant to Section 124.1-4-3.

1168 (2) Development on prior developed lands.

- 1169 (a) For land-disturbing activities disturbing greater than or equal to one acre that result in
 1170 no net increase in impervious cover from the predevelopment condition, the total
 1171 phosphorus load must be reduced at least 20% below the predevelopment total
 1172 phosphorus load.
- 1173 (b) For regulated land-disturbing activities disturbing less than one acre that result in no
 1174 net increase in impervious cover from the predevelopment condition, the total
 1175 phosphorus load must be reduced at least 10% below the predevelopment total
 1176 phosphorus load.
- 1177 (c) For land-disturbing activities that result in a net increase in impervious cover over the
 1178 predevelopment condition, the design criteria for new development must be applied to
 1179 the increased impervious area. Depending on the area of disturbance, the criteria of
 1180 subdivisions a or b above, must be applied to the remainder of the site.
- 1181 (d) In lieu of subdivision c, the total phosphorus load of a linear development project
 1182 occurring on prior developed lands shall be reduced 20% below the predevelopment
 1183 total phosphorus load.
- 1184 (e) The total phosphorus load shall not be required to be reduced to below the applicable
 1185 standard for new development unless a more stringent standard has been established by
 1186 the County.
- 1187 (B) The Board has established a Water Supply Protection Overlay District (WSPOD) in the
 1188 Occoquan Watershed to prevent water quality degradation of the Occoquan Reservoir due to
 1189 pollutant loadings within the watershed. WSPOD boundaries have been established on the
 1190 Official Zoning Map. Any subdivision that is subject to the provisions of Chapter 101 of the
 1191 County Code or any use requiring the approval of a site plan in accordance with the provisions
 1192 of subsection 8100.7 must provide water quality control measures designed to reduce the
 1193 projected phosphorus runoff pollution by one-half for the proposed use. Such water quality
 1194 control measures or Best Management Practices (BMPs) will be reviewed, modified, waived,
 1195 or approved by the LDS Director in accordance with the Public Facilities Manual. The
 1196 requirement for BMPs may be modified or waived only where existing site characteristics
 1197 make the provision impractical or unreasonable on-site, an alternative provision is not or
 1198 cannot be accommodated off-site, and where it can be established that the modification or
 1199 waiver will not affect the achievement of the water quality goals for the public water supply
 1200 watershed as set forth in the Comprehensive Plan.
- 1201 (C) Compliance with subsections A and B above must be determined in accordance with Section
 1202 124.1-4-3.
- 1203 (D) Requirements of all applicable TMDL action plans developed by the County in accordance
 1204 with the County's MS4 permit must be met.
- 1205

1206 **Section 124.1-4-3. - Water Quality Compliance.**

- 1207 (A) Compliance with the water quality design criteria set out in subsections A and B of Section
1208 124.1-4-2 will be determined by utilizing the Virginia Runoff Reduction Method (Instructions
1209 and Documentation, March 28, 2011) or another equivalent methodology that is approved by
1210 the DEQ.
- 1211 (B) The BMPs listed in 9 VAC 25-875-590.B are approved for use, subject to the restrictions and
1212 conditions in the PFM, as necessary to effectively reduce the phosphorus load and runoff
1213 volume in accordance with the Virginia Runoff Reduction Method. Other approved BMPs
1214 found through the Virginia Stormwater BMP Clearinghouse may also be utilized, subject to
1215 review and approval by the Director. Design specifications and the pollutant removal
1216 efficiencies for all approved BMPs are found through the Virginia Stormwater BMP
1217 Clearinghouse. Modifications to the design specifications, to address local requirements, are
1218 included in the PFM.
- 1219 (C) Nonproprietary BMPs differing from those listed in 9 VAC 25-875-590.B may be reviewed
1220 and approved for use by the director of the DEQ in accordance with procedures established by
1221 the DEQ.
- 1222 (D) Proprietary BMPs listed through the Virginia Stormwater BMP Clearinghouse are approved
1223 for use in accordance with the Virginia Runoff Reduction Method. Any proprietary BMP
1224 approved for use after July 1, 2020, must meet the requirements of Va. Code § 62.1-
1225 44.15:28(A)(9).
- 1226 (E) The Director may establish limitations on the use of specific BMPs in accordance with Va.
1227 Code § 62.1-44.15:33.
- 1228 (F) Where a site drains to more than one HUC, the pollutant load reduction requirements must be
1229 applied independently within each HUC unless reductions are achieved in accordance with a
1230 comprehensive watershed stormwater management plan in accordance with Section 124.1-4-
1231 9. Pollutant load reduction requirements to meet TMDL action plans developed by the County
1232 in accordance with the County's MS4 permit must be applied independently to the areas of the
1233 site subject to the TMDL.
- 1234 (G) Offsite alternatives where allowed in accordance with Section 124.1-4-5 may be utilized to
1235 meet the design criteria of subsection A of Section 124.1-4-2.
- 1236 (H) Any publicly owned treatment works that is permitted under the watershed general VPDES
1237 permit pursuant to Va. Code § 62.1-44.19:14 and is constructing or expanding the treatment
1238 works, wastewater collection system, or other facility used for public wastewater utility
1239 operations may, in accordance with Va. Code § 62.1-44.19:21.2 C, permanently retire a portion
1240 of the publicly owned treatment works' wasteload allocation to meet the design criteria of
1241 subsection A of Section 124.1-4-2. Notice must be given by such applicant to the County and
1242 to the DEQ.

1243

1244 **Section 124.1-4-4. - Water Quantity.**

1245 (A) Channel protection and flood protection must be addressed in accordance with the minimum
1246 standards set out in this section. Compliance with the minimum standards set out in this section
1247 will be deemed to satisfy the requirements of subdivision 19 of 9 VAC 25-875-560.

1248 (B) Channel protection. Concentrated stormwater flow must be released into a stormwater
1249 conveyance system and must meet criteria 1, 2, or 3 of this subsection, where applicable, from
1250 the point of discharge to a point to the limits of analysis in Section 124.1-4-4.B.5 as
1251 demonstrated by use of acceptable hydrologic and hydraulic methodologies.

1252 (1) Manmade stormwater conveyance systems. When stormwater from a development is
1253 discharged to a manmade stormwater conveyance system, following the land-disturbing
1254 activity, either:

1255 (a) The manmade stormwater conveyance system must convey the post-development peak
1256 flow rate from the two-year 24-hour storm event without causing erosion of the system.
1257 Detention of stormwater or downstream improvements may be incorporated into the
1258 approved land-disturbing activity to meet this criterion, at the discretion of the Director;
1259 or

1260 (b) The peak discharge requirements for concentrated stormwater flow to natural
1261 stormwater conveyance systems in Section 124.1-4-4.B.3(a) or 3(b) must be met.

1262 (2) Restored stormwater conveyance systems. When stormwater from a development is
1263 discharged to a restored stormwater conveyance system that has been restored using natural
1264 channel design concepts, following the land-disturbing activity, either:

1265 (a) The development must be consistent, in combination with other stormwater runoff,
1266 with the design parameters of the restored stormwater conveyance system that is
1267 functioning in accordance with the design objectives; or

1268 (b) The peak discharge requirements for concentrated stormwater flow to natural
1269 stormwater conveyance systems in Section 124.1-4-4.B.3(a) or 3(b) must be met.

1270 (3) Natural stormwater conveyance systems. When stormwater from a development is
1271 discharged to a natural stormwater conveyance system, the maximum peak flow rate from
1272 the one-year 24-hour storm following the land-disturbing activity must be calculated by
1273 one of the following:

1274 (a) In accordance with the following methodology:

1275
$$Q_{\text{Developed}} < (Q_{\text{Forest}} * RV_{\text{Forest}}) / RV_{\text{Developed}}$$

1276 Where:

1277 $Q_{\text{Developed}}$ = The allowable peak flow rate of runoff from the developed site.

1278 $RV_{\text{Developed}}$ = The volume of runoff from the site in the developed condition.

1279 Q_{Forest} = The peak flow rate of runoff from the site in a forested condition.

1280 RV_{Forest} = The volume of runoff from the site in a forested condition.

1281 (b) In accordance with another methodology that is determined by the Director to achieve
1282 equivalent results and is approved by the DEQ.

1283 (c) If the maximum peak flow rate for the 2-year 24-hour storm can be conveyed within
1284 the system from the point of discharge to the limit of analysis in Section 124.1-4-4.B.6
1285 without causing erosion, the maximum peak flow rate from the one-year 24-hour storm
1286 following the land-disturbing activity may be calculated in accordance with the
1287 following methodology:

1288 $Q_{\text{Developed}} \leq \text{I.F.} * (Q_{\text{Pre-Developed}} * RV_{\text{Pre-Developed}}) / RV_{\text{Developed}}$

1289 Under no condition shall $Q_{\text{Developed}}$ be greater than $Q_{\text{Pre-Developed}}$

1290 Where:

1291 I.F. (Improvement Factor) = 0.8 for sites > 1 acre or 0.9 for sites < 1 acre.

1292 $Q_{\text{Developed}}$ = The allowable peak flow rate of runoff from the developed site.

1293 $RV_{\text{Developed}}$ = The volume of runoff from the site in the developed condition.

1294 $Q_{\text{Pre-Developed}}$ = The peak flow rate of runoff from the site in a pre-developed condition.

1295 $RV_{\text{Pre-Developed}}$ = The volume of runoff from the site in a pre-developed condition.

1296 (4) If Section 124.1-4-4.B.3(a) or 3(b) is used to show compliance with the channel protection
1297 criteria, the downstream review is limited to providing cross-sections to show a defined
1298 channel, which may include sections of natural streams with braided channels or wetlands
1299 as determined by the Director, or man-made drainage facility for the extent of review
1300 described in Section 124.1-4-4.B.6.

1301 (5) Limits of analysis. Unless Section 124.1-4-4.B.3 is utilized to show compliance with the
1302 channel protection criteria, stormwater conveyance systems must be analyzed for
1303 compliance with channel protection criteria to a point where either:

- 1304 (a) Based on land area, the site's contributing drainage area is less than or equal to 1.0%
1305 of the total watershed area; or
- 1306 (b) Based on peak flow rate, the site's peak flow rate from the one-year 24-hour storm is
1307 less than or equal to 1.0% of the existing peak flow rate from the one-year 24-hour
1308 storm prior to the implementation of any stormwater quantity control measures.
- 1309 (6) Alternative limits of analysis. If Section 124.1-4-4.B.3 is used to show compliance with
1310 the channel protection criteria above, the downstream limit of analysis may extend to a
1311 point where:
- 1312 (a) Based on land area, the site's contributing drainage area is less than or equal to 1.0%
1313 of the total watershed area; or
- 1314 (b) Based on peak flow rate, the site's peak flow rate from the one-year 24-hour storm is
1315 less than or equal to 1.0% of the existing peak flow rate from the one-year 24-hour
1316 storm prior to the implementation of any stormwater quantity control measures; or
- 1317 (c) To a point that is at least 150 feet downstream of a point where the receiving pipe or
1318 channel is joined by another that has a drainage area that is at least 90 percent of the
1319 size of the first drainage area at the point of confluence; or
- 1320 (d) To a point that is at least 150 feet downstream of a point where the drainage area is 360
1321 acres or greater.
- 1322 (C) Flood protection. Concentrated stormwater flow must be released into a stormwater
1323 conveyance system and must meet criteria 1, 2, or 3 below, where applicable, from the point
1324 of discharge to a point to the limits of analysis in Section 124.1-4-4.C.5 as demonstrated by
1325 use of acceptable hydrologic and hydraulic methodologies:
- 1326 (1) Concentrated stormwater flow to stormwater conveyance systems that currently do not
1327 experience localized flooding during the 10-year 24-hour storm event. The point of
1328 discharge releases stormwater into a stormwater conveyance system that, following the
1329 land-disturbing activity, confines the post-development peak flow rate from the 10-year
1330 24-hour storm event within the stormwater conveyance system. Detention of stormwater
1331 or downstream improvements may be incorporated into the approved land-disturbing
1332 activity to meet this criterion, at the discretion of the Director.
- 1333 (2) Concentrated stormwater flow to stormwater conveyance systems that currently experience
1334 localized flooding during the 10-year 24-hour storm event. The point of discharge releases
1335 stormwater into a stormwater conveyance system that, following the land-disturbing
1336 activity, confines the post-development peak flow rate from the 10-year 24-hour storm
1337 event within the stormwater conveyance system to avoid the localized flooding. Detention
1338 of stormwater or downstream improvements may be incorporated into the approved land-
1339 disturbing activity to meet this criterion, at the discretion of the Director.

- 1340 (3) Localized flooding is defined as follows:
- 1341 (a) For manmade stormwater conveyance systems, localized flooding occurs when: the
1342 capacity of the channel, pipe system, or culvert is exceeded for the 10-year 24-hour
1343 storm event or the design storm, whichever is greater; or existing dwellings or buildings
1344 constructed under an approved building permit are flooded by the 100-year storm event.
- 1345 (b) For natural stormwater conveyance systems, localized flooding occurs when: the
1346 capacity of the channel, or a system of braided channels or wetlands as determined by
1347 the Director, is exceeded for the 2-year 24-hour storm event; or existing dwellings or
1348 buildings constructed under an approved building permit are flooded by the 100-year
1349 storm event.
- 1350 (c) For a restored stormwater conveyance system that has been designed using natural
1351 channel design concepts, localized flooding occurs when: the capacity of the channel
1352 and overbanks are exceeded for the stated design storm; or existing dwellings or
1353 buildings constructed under an approved building permit are flooded by the 100-year
1354 storm event.
- 1355 (4) As an alternative to criteria 1 or 2 above, detention of stormwater may be provided that
1356 releases the post-development peak flows for the 2-year 24-hour storm event and the 10-
1357 year 24-hour storm event at rates that are determined utilizing the method in Section 124.1-
1358 4-4.B.3(a) or 3(b). If this method is used, the downstream review analysis shall be limited
1359 to providing cross-sections to show a defined channel, which may include sections of
1360 streams with braided channels or wetlands as determined by the Director, or man-made
1361 drainage facility, and checking for flooding of existing dwellings or buildings constructed
1362 under an approved building permit from the 100-year storm event for the extent of review
1363 described in Section 124.1-4-4.C.6.
- 1364 (5) Limits of analysis. Unless Section 124.1-4-4.C.4 is utilized to comply with the flood
1365 protection criteria, stormwater conveyance systems must be analyzed for compliance with
1366 flood protection criteria to a point where:
- 1367 (a) The site's contributing drainage area is less than or equal to 1.0% of the total watershed
1368 area draining to a point of analysis in the downstream stormwater conveyance system;
1369 or
- 1370 (b) Based on peak flow rate, the site's peak flow rate from the 10-year 24-hour storm event
1371 is less than or equal to 1.0% of the existing peak flow rate from the 10-year 24- hour
1372 storm event prior to the implementation of any stormwater quantity control measures;
1373 or
- 1374 (c) The stormwater conveyance system enters a mapped floodplain or other flood prone
1375 area, adopted by ordinance, which includes any Special Flood Hazard Area depicted
1376 on the County's Flood Insurance Rate Map or any floodplain included in Appendix A
1377 of the Code.

1378 (6) Alternative limits of analysis. If Section 124.1-4-4.C.4 is utilized to comply with the flood
1379 protection criteria, or the detention requirements of Section 124.1-4-4.D are met and the
1380 receiving conveyance system complies with the flood protection criteria from the point of
1381 discharge to the limits of analysis in this subdivision, the downstream limit of analysis may
1382 extend to a point where:

1383 (a) The site's contributing drainage area is less than or equal to 1.0% of the total watershed
1384 area draining to a point of analysis in the downstream stormwater conveyance system;
1385 or

1386 (b) Based on peak flow rate, the site's peak flow rate from the 10-year 24-hour storm event
1387 is less than or equal to 1.0% of the existing peak flow rate from the 10-year 24-hour
1388 storm event prior to the implementation of any stormwater quantity control measures;
1389 or

1390 (c) The stormwater conveyance system enters a mapped floodplain or other flood prone
1391 area, adopted by ordinance; or

1392 (d) To a point that is at least 150 feet downstream of a point where the receiving pipe or
1393 channel is joined by another that has a drainage area that is at least 90 percent of the
1394 size of the first drainage area at the point of confluence; or

1395 (e) To a point that is at least 150 feet downstream of a point where the drainage area is 360
1396 acres or greater.

1397 (7) If an existing dwelling or a building constructed under an approved building permit, which
1398 is located within the extent of review described in Section 124.1-4-4.C.6, is flooded by the
1399 100-year storm, the peak flow of the 100-year storm at the development site must be
1400 reduced to a level below the pre-development based on the methodology in Section 124.1-
1401 4-4.B.3(a) or 3(b).

1402 (D) Detention. Unless waived by the Director, the post-development peak flow for the 2-year 24-
1403 hour storm event must be released at a rate that is equal to or less than the pre-development
1404 peak flow rate from the 2-year 24-hour storm event and the post-development peak flow for
1405 the 10-year 24-hour storm event must be released at a rate that is less than or equal to the pre-
1406 development peak flow rate from the 10-year 24-hour storm event. In the Four Mile Run
1407 watershed, the post-development peak flow for the 100-year storm event must be released at a
1408 rate that is equal to or less than the predevelopment peak flow rate from the 100-year storm
1409 unless it is contraindicated by the watershed model developed for the Four Mile Run
1410 Watershed Management Program.

1411 (E) Increased volumes of sheet flow resulting from pervious or disconnected impervious areas, or
1412 from physical spreading of concentrated flow through level spreaders, must be identified and
1413 evaluated for potential impacts on down-gradient properties or resources. Increased volumes
1414 of sheet flow that will cause or contribute to erosion, sedimentation, or flooding of down
1415 gradient properties or resources must be diverted to a stormwater management facility or a

1416 stormwater conveyance system that conveys the runoff without causing down-gradient
1417 erosion, sedimentation, or flooding. If all runoff from the site is sheet flow and the conditions
1418 of this subsection are met, no further water quantity controls are required.

1419 (F) For purposes of computing pre-development runoff, all pervious lands on the site will be
1420 assumed to be in good hydrologic condition in accordance with the U.S. Department of
1421 Agriculture's Natural Resources Conservation Service (NRCS) standards, regardless of
1422 conditions existing at the time of computation. Predevelopment runoff calculations utilizing
1423 other hydrologic conditions may be utilized provided that it is demonstrated to and approved
1424 by the Director that actual site conditions warrant such considerations.

1425 (G) Pre-development and post-development runoff characteristics and site hydrology must be
1426 verified by site inspections, topographic surveys, available soil mapping or studies, and
1427 calculations consistent with good engineering practices. Guidance provided in the Virginia
1428 Stormwater Management Handbook and by the Virginia Stormwater BMP Clearinghouse are
1429 considered appropriate practices as modified and supplemented by the Public Facilities
1430 Manual.

1431

1432 **Section 124.1-4-5. - Offsite Compliance Options.**

1433 (A) The Director, at his discretion, may allow an operator to use the following offsite compliance
1434 options to meet required phosphorus nutrient reductions:

1435 (1) Offsite controls utilized in accordance with a comprehensive stormwater management plan
1436 adopted pursuant to Section 124.1-4-9 for the local watershed within which a project is
1437 located;

1438 (2) A locality pollutant loading pro rata share program established pursuant to Va. Code §
1439 15.2-2243 or similar local funding mechanism;

1440 (3) The nonpoint nutrient offset program established pursuant to Va. Code § 62.1-44.15:35;

1441 (4) Any other offsite options approved by an applicable state agency or state board; and

1442 (5) When an operator has additional properties available within the same HUC or upstream
1443 HUC that the land-disturbing activity directly discharges to or within the same watershed
1444 as determined by the Director, offsite stormwater management facilities on those properties
1445 may be utilized to meet the required phosphorus nutrient reductions from the land-
1446 disturbing activity.

1447 (B) Notwithstanding subsection A, and pursuant to Va. Code § 62.1-44.15:35, operators will be
1448 allowed to utilize offsite options identified in subsection A under any of the following
1449 conditions:

1450 (1) Less than five acres of land will be disturbed;

1451 (2) The postconstruction phosphorus control requirement is less than 10 pounds per year; or

1452 (3) At least 75% of the required phosphorus nutrient reductions are achieved on-site. If at least
1453 75% of the required phosphorus nutrient reductions cannot be met on-site, and the operator
1454 can demonstrate to the satisfaction of the Director that (i) alternative site designs have been
1455 considered that may accommodate on-site best management practices, (ii) on-site best
1456 management practices have been considered in alternative site designs to the maximum
1457 extent practicable, (iii) appropriate on-site best management practices will be implemented,
1458 and (iv) full compliance with post-development nonpoint nutrient runoff compliance
1459 requirements cannot practicably be met on-site, then the required phosphorus nutrient
1460 reductions may be achieved, in whole or in part, through the use of off-site compliance
1461 options.

1462 (C) Notwithstanding subsections A and B, offsite options are not allowed:

1463 (1) Unless the selected offsite option achieves the necessary nutrient reductions prior to the
1464 commencement of the operator's land-disturbing activity. In the case of a phased project,
1465 the operator may acquire or achieve offsite nutrient reductions prior to the commencement
1466 of each phase of land-disturbing activity in an amount sufficient for each phase.

1467 (2) In contravention of local water quality-based limitations at the point of discharge that are
1468 (i) consistent with the determinations made pursuant to Va. Code § 62.1-44.19:7(B) of the
1469 Virginia Code, (ii) contained in a municipal separate storm sewer system (MS4) program
1470 plan accepted by the Department of Environmental Quality, or (iii) as otherwise may be
1471 established or approved by the State Water Control Board. Such limitations include but are
1472 not limited to the phosphorous reduction requirement in the Water Supply Protection
1473 Overlay District and any applicable nutrient-based TMDL in Fairfax County.

1474 (D) In order to meet the requirements of Section 124.1-4-4, offsite options 1 and 2 of subsection A
1475 above may be utilized.

1476 (E) Failure to generate nutrient credits used pursuant to subsection A in the same or adjacent eight-
1477 digit hydrologic unit code as defined by the United States Geological Survey as the permitted
1478 site in accordance with Va. Code § 62.1-44.15. Nutrient credits outside the same or adjacent
1479 eight-digit hydrologic unit code may only be used if it is determined by the Director that no
1480 credits are available within the same or adjacent eight-digit hydrologic unit code when the
1481 Director accepts the final site design. In such cases, and subject to other limitations imposed
1482 in this section, credits available within the same tributary may be used. Credits from another
1483 tributary cannot be used.

1484

1485 **Section 124.1-4-6. – Design Storms and Hydrologic Methods.**

1486 (A) Unless otherwise specified, the prescribed design storms are the one-year, two-year, and 10-
1487 year 24-hour storms using the site-specific rainfall precipitation frequency data recommended
1488 by the U.S. National Oceanic and Atmospheric Administration (NOAA) Atlas 14. Partial
1489 duration time series must be used for the precipitation data.

1490 (B) Unless otherwise specified, all hydrologic analyses must be based on the existing watershed
1491 characteristics and how the ultimate development condition of the subject project will be
1492 addressed.

1493 (C) The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS)
1494 synthetic 24-hour rainfall distribution and models, including, but not limited to TR-55 and TR-
1495 20; hydrologic and hydraulic methods developed by the U.S. Army Corps of Engineers; or
1496 other standard hydrologic and hydraulic methods, must be used to conduct the analyses
1497 described in this part.

1498 (D) For drainage areas of 200 acres or less, the Rational Method may be used for evaluating peak
1499 discharges.

1500 (E) For drainage areas of 200 acres or less, the modified Rational Method may be used for
1501 evaluating volumetric flows to stormwater conveyances.

1502

1503 **Section 124.1-4-7. - Stormwater Harvesting.**

1504 In accordance with Va. Code § 62.1-44.15:28, stormwater harvesting is encouraged for the
1505 purposes of landscape irrigation systems, fire protection systems, flushing water closets and
1506 urinals, and other water handling systems to the extent such systems are consistent with federal,
1507 state, and County regulations.

1508

1509 **Section 124.1-4-8. - Linear Development Projects.**

1510 Linear development projects, not subject to annual standards and specifications administered and
1511 enforced by the Department of Environmental Quality, must control post-development stormwater
1512 runoff in accordance with a site-specific stormwater management plan or a comprehensive
1513 watershed stormwater management plan developed in accordance with this Chapter.

1514

1515 **Section 124.1-4-9. - Comprehensive Stormwater Management Plans.**

1516 The County may develop comprehensive stormwater management plans, to be approved by the
1517 Department of Environmental Quality, that meet the water quality objectives, quantity objectives,
1518 in accordance with Virginia law.

1519

1520 **Section 124.1-4-10. - Stormwater Management Impoundment Structures or Facilities.**

1521 Stormwater management wet ponds and extended detention ponds that are not covered by the
1522 Impounding Structure Regulations (4 VAC 50-20) must, at a minimum, be engineered for
1523 structural integrity for the 100-year storm event and shall comply with the requirements of § 6-
1524 1600 of the PFM.

1525

1526 **ARTICLE 5 - Technical Criteria for Legacy Projects and Projects Subject to Time Limits**
1527 **on Applicability of Approved Design Criteria**

1528

1529 **Section 124.1-5-1. - Definitions.**

1530 For the purposes of Article 5 only, the following words and terms have the following meanings
1531 unless the context clearly indicates otherwise:

1532 *Aquatic bench* means a 10- to 15-foot wide bench around the inside perimeter of a permanent
1533 pool that ranges in depth from zero to 12 inches. Vegetated with emergent plants, the bench
1534 augments pollutant removal, provides habitats, conceals trash and water level fluctuations,
1535 and enhances safety.

1536 *Average land cover condition* means a measure of the average amount of impervious surfaces
1537 within a watershed, assumed to be 16% or a calculated watershed-specific value for the
1538 average land cover condition as approved by the Chesapeake Bay Local Assistance Board
1539 prior to September 13, 2011.

1540 *Bioretention basin* means a water quality BMP engineered to filter the water quality volume
1541 through an engineered planting bed, consisting of a vegetated surface layer (vegetation,
1542 mulch, ground cover), planting soil, and sand bed, and into the in-situ material.

1543 *Bioretention filter* means a bioretention basin with the addition of a sand filter collector pipe
1544 system beneath the planting bed.

1545 *Constructed wetlands* means areas intentionally designed and created to emulate the water
1546 quality improvement function of wetlands for the primary purpose of removing pollutants
1547 from stormwater.

1548 *Development* means a tract of land developed or to be developed as a unit under single
1549 ownership or unified control that is to be used for any business or industrial purpose or is to
1550 contain three or more residential dwelling units.

1551 *Grassed swale* means an earthen conveyance system which is broad and shallow with erosion
1552 resistant grasses and check dams, engineered to remove pollutants from stormwater runoff by
1553 filtration through grass and infiltration into the soil.

1554 *Infiltration facility* means a stormwater management facility that temporarily impounds runoff
1555 and discharges it via infiltration through the surrounding soil. While an infiltration facility
1556 may also be equipped with an outlet structure to discharge impounded runoff, such discharge
1557 is normally reserved for overflow and other emergency conditions. Since an infiltration
1558 facility impounds runoff only temporarily, it is normally dry during nonrainfall periods.
1559 Infiltration basin, infiltration trench, infiltration dry well, and porous pavement shall be
1560 considered infiltration facilities.

1561 *Intensely Developed Area* or *IDA* means an area of existing development and infill sites where
1562 development is concentrated and little of the natural environment remains as of July 1, 1993
1563 and which is so designated on the map of Chesapeake Bay Preservation Areas adopted by the
1564 Board of Supervisors pursuant to Fairfax County Code Section 118-1-9. An IDA must satisfy
1565 at least one of the following conditions as of July 1, 1993: development has severely altered
1566 the natural state of the area such that it has more than 50 percent impervious surface; public
1567 sewer and water systems, or a constructed stormwater drainage system, or both, have been
1568 constructed and serve the area as of the date of adoption of this Chapter; or housing density
1569 is equal to or greater than four dwelling units per acre.

1570 *Nonpoint source pollutant runoff load* or *pollutant discharge* means the average amount of a
1571 particular pollutant measured in pounds per year, delivered in a diffuse manner by stormwater
1572 runoff.

1573 *Planning area* means a designated portion of the parcel on which the land development project
1574 is located. Planning areas shall be established by delineation on a master plan. Once
1575 established, planning areas shall be applied consistently for all future projects.

1576 *Redevelopment* means the substantial alteration, rehabilitation, or rebuilding of a property for
1577 residential, commercial, industrial, or other purposes where there is no net increase in
1578 impervious area by the proposed redevelopment within an RPA and no more than a net
1579 increase in impervious area within an RMA of 20% relative to conditions prior to
1580 redevelopment, or any construction, rehabilitation, rebuilding, or substantial alteration of
1581 residential, commercial, industrial, institutional, recreational, transportation, or utility uses,
1582 facilities or structures within an IDA.

1583 *Resource Management Area* or *RMA* means that component of the Chesapeake Bay
1584 Preservation Area comprised of lands that, if improperly used or developed, have a potential
1585 for causing significant water quality degradation or for diminishing the functional value of
1586 the Resource Protection Area.

1587 *Resource Protection Area* or *RPA* means that component of the Chesapeake Bay Preservation
1588 Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic
1589 water quality value due to the ecological and biological processes they perform or are sensitive
1590 to impacts which may result in significant degradation of the quality of state waters. In their
1591 natural condition, these lands provide for the removal, reduction, or assimilation of sediments,
1592 nutrients, and potentially harmful or toxic substances from runoff entering the Bay and its

1593 tributaries and minimize the adverse effects of human activities on state waters and aquatic
1594 resources.

1595 *Sand filter* means a contained bed of sand that acts to filter the first flush of runoff. The runoff
1596 is then collected beneath the sand bed and conveyed to an adequate discharge point or
1597 infiltrated into the in-situ soils.

1598 *Shallow marsh* means a zone within a stormwater extended detention basin that exists from
1599 the surface of the normal pool to a depth of six to 18 inches, and has a large surface area and,
1600 therefore, requires a reliable source of baseflow, groundwater supply, or a sizeable drainage
1601 area, to maintain the desired water surface elevations to support emergent vegetation.

1602 *Stormwater detention basin* or *detention basin* means a stormwater management facility that
1603 temporarily impounds runoff and discharges it through a hydraulic outlet structure to a
1604 downstream conveyance system. While a certain amount of outflow may also occur via
1605 infiltration through the surrounding soil, such amounts are negligible when compared to the
1606 outlet structure discharge rates and are, therefore, not considered in the facility's design. Since
1607 a detention facility impounds runoff only temporarily, it is normally dry during nonrainfall
1608 periods.

1609 *Stormwater extended detention basin* or *extended detention basin* means a stormwater
1610 management facility that temporarily impounds runoff and discharges it through a hydraulic
1611 outlet structure over a specified period of time to a downstream conveyance system for the
1612 purpose of water quality enhancement or stream channel erosion control. While a certain
1613 amount of outflow may also occur via infiltration through the surrounding soil, such amounts
1614 are negligible when compared to the outlet structure discharge rates and, therefore, are not
1615 considered in the facility's design. Since an extended detention basin impounds runoff only
1616 temporarily, it is normally dry during nonrainfall periods.

1617 *Stormwater extended detention basin-enhanced* or *extended detention basin-enhanced* means
1618 an extended detention basin modified to increase pollutant removal by providing a shallow
1619 marsh in the lower stage of the basin.

1620 *Stormwater retention basin* or *retention basin* means a stormwater management facility that
1621 includes a permanent impoundment, or normal pool of water, for the purpose of enhancing
1622 water quality and, therefore, is normally wet, even during nonrainfall periods. Storm runoff
1623 inflows may be temporarily stored above this permanent impoundment for the purpose of
1624 reducing flooding, or stream channel erosion.

1625 *Stormwater retention basin I* or *retention basin I* means a retention basin with the volume of
1626 the permanent pool equal to three times the water quality volume.

1627 *Stormwater retention basin II* or *retention basin II* means a retention basin with the volume
1628 of the permanent pool equal to four times the water quality volume.

1629 *Stormwater retention basin III* or *retention basin III* means a retention basin with the volume
1630 of the permanent pool equal to four times the water quality volume with the addition of an
1631 aquatic bench.

1632 *Vegetated filter strip* means a densely vegetated section of land engineered to accept runoff
1633 as overland sheet flow from upstream development. It shall adopt any natural vegetated form,
1634 from grassy meadow to small forest. The vegetative cover facilitates pollutant removal
1635 through filtration, sediment deposition, infiltration and absorption, and is dedicated for that
1636 purpose.

1637 *Water quality volume* means the volume equal to the first one-half inch of runoff multiplied
1638 by the impervious surface of the land development project.

1639 **Section 124.1-5-2. Applicability.**

1640 This Article specifies the technical criteria for regulated land-disturbing activities that are not
1641 subject to the technical criteria of Article 4 in accordance with Sections 124.1-2-2 and 124.1-2-3.
1642 Regulated land-disturbing activities may comply with the technical criteria of Article 4 in lieu of
1643 the technical requirements of this Article in accordance with Section 124.1-2-2(E).

1644

1645 **Section 124.1-5-3. - General.**

1646 (A) Determination of flooding and channel erosion impacts to receiving streams due to land-
1647 disturbing activities must be measured at each point of discharge from the land disturbance
1648 and such determination must include any runoff from the balance of the watershed that also
1649 contributes to that point of discharge.

1650 (B) The specified design storms must be defined as either a 24-hour storm using the rainfall
1651 distribution recommended by the U.S. Department of Agriculture's Natural Resources
1652 Conservation Service (NRCS) when using NRCS methods or as the storm of critical duration
1653 that produces the greatest required storage volume at the site when using a design method such
1654 as the Modified Rational Method.

1655 (C) For purposes of computing runoff, all pervious lands in the site must be assumed prior to
1656 development to be in good condition (if the lands are pastures, lawns, or parks), with good
1657 cover (if the lands are woods), or with conservation treatment (if the lands are cultivated);
1658 regardless of conditions existing at the time of computation.

1659 (D) Construction of stormwater management facilities or modifications to channels must comply
1660 with all applicable laws, regulations, and ordinances. Evidence of approval of all necessary
1661 permits must be presented.

- 1662 (E) Impounding structures that are not covered by the Impounding Structure Regulations
1663 (4VAC50-20 must, at a minimum, be engineered for structural integrity during the 100-year
1664 storm event and shall comply with the requirements of § 6-1600 of the PFM.
- 1665 (F) Pre-development and post-development runoff rates must be verified by calculations that are
1666 consistent with good engineering practices and the PFM.
- 1667 (G) Outflows from a stormwater management facility or stormwater conveyance system must be
1668 discharged to an adequate channel.
- 1669 (H) Proposed residential, commercial, or industrial subdivisions must apply these stormwater
1670 management criteria to the land disturbance as a whole. Individual lots in new subdivisions
1671 must not be considered separate land-disturbing activities, but rather the entire subdivision
1672 shall be considered a single land development project. Hydrologic parameters must reflect the
1673 ultimate land disturbance and must be used in all engineering calculations.
- 1674 (I) All stormwater management facilities must have an inspection and maintenance plan that
1675 identifies the owner and the responsible party for carrying out the inspection and maintenance
1676 plan.
- 1677 (J) Construction of stormwater management impoundment structures within a Federal Emergency
1678 Management Agency (FEMA) designated 100-year floodplain must be avoided whenever
1679 possible. When this is unavoidable, all stormwater management facility construction must be
1680 in compliance with all applicable regulations under the National Flood Insurance Program, 44
1681 CFR Part 59.
- 1682 (K) Natural channel characteristics must be preserved to the maximum extent practicable.
- 1683 (L) Land-disturbing activities must comply with the VESMA and attendant regulations, as
1684 applicable.
- 1685 (M) Flood control and stormwater management facilities that drain or treat water from multiple
1686 development projects or from a significant portion of a watershed may be allowed in resource
1687 protection areas defined in the Chesapeake Bay Preservation Act provided such facilities are
1688 designed and constructed in accordance with the Act and this ordinance, and provided that (i)
1689 the County has conclusively established that the location of the facility within the resource
1690 protection area is the optimum location; (ii) the size of the facility is the minimum necessary
1691 to provide necessary flood control, stormwater treatment, or both; and (iii) the facility is
1692 consistent with a comprehensive stormwater management plan developed and approved in
1693 accordance with this ordinance and 9VAC25-875-660 or with a stormwater management plan
1694 that has been approved prior to July 1, 2012, by the State Water Control Board, the Chesapeake
1695 Bay Local Assistance Board prior to its abolishment on July 1, 2012, or the Board of
1696 Conservation and Recreation; (iv) all applicable permits for construction in state or federal
1697 waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army
1698 Corps of Engineers, the department, and the Virginia Marine Resources Commission; (v)
1699 approval was received from the local government prior to construction; and (vi) routine

1700 maintenance is allowed to be performed on such facilities to assure that they continue to
1701 function as designed. It is not the intent of this subdivision to allow a best management practice
1702 that collects and treats runoff from only an individual lot or some portion of the lot to be located
1703 within a resource protection area.

1704

1705 **Section 124.1-5-4. Water Quality.**

1706 (A) For any development or redevelopment, stormwater runoff must be controlled by the use of
1707 BMPs as follows:

1708 (1) For development, the projected total phosphorus runoff pollution load for the proposed
1709 development must be reduced by no less than forty percent compared to phosphorus loads
1710 projected for the development without BMPs. This requirement will not apply to any
1711 development that does not require a site plan under subsection 8100.7 of the Zoning
1712 Ordinance, that does not require subdivision approval under Chapter 101 of the Fairfax
1713 County Code, and that does not result in an impervious area of 18% or greater on the lot or
1714 parcel on which the development will occur.

1715 (2) For development and redevelopment within the Water Supply Protection Overlay District,
1716 the phosphorus removal requirements for the overlay district will apply if such
1717 requirements impose a higher standard than the requirements of this Chapter.

1718 (3) For redevelopment of any property not currently served by one or more BMPs, the total
1719 phosphorus runoff pollution load from the property must be reduced by at least ten (10)
1720 percent from the phosphorus runoff pollution load prior to redevelopment.

1721 (4) For redevelopment of any property that is currently and adequately served by one or more
1722 BMPs, the projected phosphorus runoff pollution load after redevelopment must not exceed
1723 the existing phosphorus runoff pollution load.

1724 (5) BMPs will be reviewed, modified, and/or approved by the Director in accordance with
1725 Article 6 of the Public Facilities Manual in effect on June 30, 2014, except that BMPs must
1726 meet testing and inspection requirements, plan submission requirements, and dam
1727 standards in effect at the time of plan submission.

1728 (B) The following options will be considered to comply with this Section:

1729 (1) Incorporation on the site of BMPs that achieve the required control as set forth in
1730 paragraphs (1) through (5) above. For the purposes of this subsection, the "site" may
1731 include multiple projects or properties that are adjacent to one another or lie within the
1732 same drainage area where a single BMP or a system of BMPs will be utilized by those
1733 projects in common to satisfy water quality protection requirements;

1734 (2) Compliance with a locally adopted regional stormwater management program, which may
1735 include a Virginia Pollution Discharge Elimination System (VPDES) permit issued by the
1736 DEQ or the Virginia Department of Conservation and Recreation to a local government for
1737 its municipally owned separate storm sewer system discharges, that is reviewed and found
1738 by the State Water Control Board or was reviewed and approved by the Soil and Water
1739 Conservation Board to achieve water quality protection equivalent to that required by this
1740 subsection; or

1741 (3) Compliance with a site-specific VPDES permit issued by the DEQ, provided that the local
1742 government specifically determines that the permit requires measures that collectively
1743 achieve water quality protection equivalent to that required by this subsection.

1744 (C) Any maintenance, alteration, use or improvement to an existing structure or use that does not
1745 degrade the quality of surface water discharge, as determined by the LDS Director, may be
1746 exempted from the requirements of subsection A.

1747

1748 **Section 124.1-5-5. - Stream Channel Erosion.**

1749 (A) Properties and receiving waterways downstream of any land-disturbing activity must be
1750 protected from erosion and damage due to changes in runoff rate of flow and hydrologic
1751 characteristics, including, but not limited to, changes in volume, velocity, frequency, duration,
1752 and peak flow rate of stormwater runoff in accordance with the minimum design standards set
1753 out in this section.

1754 (B) Land-disturbing activity must comply with subdivision 19 of 9VAC25-875-560 of the Erosion
1755 and Stormwater Management Regulation, promulgated pursuant to Article 2.3
1756 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Virginia Code.

1757 (C) Land-disturbing activity must comply with the requirements of Chapter 6 of the Fairfax County
1758 Public Facilities Manual in effect on June 30, 2014.

1759 (D) In addition to subsections B and C of this section, the County, by local ordinance may, or the
1760 State Water Control Board by state regulation may, adopt more stringent channel analysis
1761 criteria or design standards to ensure that the natural level of channel erosion, to the maximum
1762 extent practicable, will not increase due to the land-disturbing activities. These criteria may
1763 include, but are not limited to, the following:

1764 (1) Criteria and procedures for channel analysis and classification.

1765 (2) Procedures for channel data collection.

1766 (3) Criteria and procedures for the determination of the magnitude and frequency of natural
1767 sediment transport loads.

1768 (4) Criteria for the selection of proposed natural or manmade channel linings.

1769

1770 **Section 124.1-5-6. - Flooding.**

1771 (A) Downstream properties and waterways must be protected from damages from localized
1772 flooding due to changes in runoff rate of flow and hydrologic characteristics, including, but
1773 not limited to, changes in volume, velocity, frequency, duration, and peak flow rate of
1774 stormwater runoff in accordance with the minimum design standards set out in this section.

1775 (B) The ten-year post-developed peak rate of runoff from the development site may not exceed the
1776 ten-year predeveloped peak rate of runoff.

1777 (C) Land-disturbing activity must comply with the requirements of Chapter 6 of the Fairfax County
1778 Public Facilities Manual in effect on June 30, 2014.

1779 (D) Linear development projects will not be required to control post-developed stormwater runoff
1780 for flooding, except in accordance with a watershed or regional stormwater management plan.

1781 **Section 124.1-5-7. - Regional (watershed-wide) Stormwater Management Plans.**

1782 Water quality requirements and where allowed, water quantity requirements, may be achieved in
1783 accordance with Sections 124.1-4-5 and 124.1-4-9.

1784

1785 **ARTICLE 6. – EROSION AND SEDIMENT CONTROL: PLAN REQUIREMENTS AND**
1786 **MINIMUM STANDARDS FOR TECHNICAL CRITERIA**

1787

1788 **Section 124.1-6-1. Applicability.**

1789 This Article sets forth minimum standards for the effective control of soil erosion, sediment
1790 deposition, and nonagricultural runoff.

1791

1792 **Section 124.1-6-2. - Erosion and Sediment Control Plans.**

1793 (A) An erosion and sediment control plan must be filed for any development and the buildings
1794 constructed within, regardless of the phasing of construction. The erosion and sediment control
1795 plan must include all major conservation decisions to ensure that the entire unit of land will be
1796 treated to achieve the conservation objectives in Section 124.1-6-3. In addition to the
1797 mandatory elements, the erosion and sediment control plan may include:

- 1798 (1) Appropriate maps;
- 1799 (2) An appropriate soil and water plan inventory and management information with needed
1800 interpretations; and
- 1801 (3) A record of decisions contributing to conservation treatment.
- 1802 (B) The person responsible for carrying out the plan must provide the name of an individual
1803 holding a certificate who will be in charge of and responsible for carrying out the land-
1804 disturbing activity to the County.
- 1805 (C) If individual lots or sections in a residential development are being developed by different
1806 property owners, all land-disturbing activities related to the building construction must be
1807 covered by an erosion and sediment control plan.
- 1808 (D) Land-disturbing activity of less than 2,500 square feet on individual lots in a residential
1809 development is not exempt from the provisions of the VESMA, ESCL, or this chapter if the
1810 total land-disturbing activity in the development is equal to or greater than 2,500 square feet.

1811

1812 **Section 124.1-6-3. - Erosion and sediment control criteria, techniques, and methods:**
1813 **minimum standards.**

1814 An erosion and sediment control plan consistent with the criteria, techniques, and methods
1815 contained in 9VAC25-875-560 of the VESM Regulation, the Standards & Specifications as
1816 contained in the current Virginia Stormwater Management Handbook and the Public Facilities
1817 Manual except that the minimum standard for design and construction of sediment traps and
1818 sediment basins (9VAC25-875-560(6)) is modified as follows:

1819 (a) Temporary Sediment Trap — For land areas designated as Resource Protection Areas
1820 (RPAs), the minimum storage volume is 202 cubic yards per acre of disturbed area. Pipe
1821 outlet sediment traps are required for drainage areas of one to three acres. For land areas
1822 designated as RPAs, pipe outlet sediment traps may also be required for areas of less than
1823 one acre where topographical and drainage conditions are favorable for field
1824 implementation (see Plate 2-11 of the current Public Facilities Manual for details). Stone
1825 outlets for temporary sediment traps under one acre of drainage area outside of RPAs must
1826 be constructed according to current Virginia Stormwater Management Handbook
1827 specifications.

1828 (b) Temporary Sediment Basin — For land areas designated as RPAs, the minimum storage
1829 volume is 202 cubic yards per acre of disturbed area.

1830 When the standards vary between the publications, the most stringent standard will apply.

1831

1832 **ARTICLE 7 - Exceptions.**

1833

1834 **Section 124.1-7-1. - Exceptions.**

1835 (A) Upon request by an applicant, the County may waive or modify any of the erosion and
1836 sediment control requirements of Article 6 that are deemed inappropriate or too restrictive for
1837 site conditions if any of the following conditions are met:

1838 (1) At the time of plan submission, an applicant requests a variance to become part of the
1839 approved erosion and sediment control plan. The applicant must explain the reasons for
1840 requesting variances in writing. Specific variances which are allowed by the authority must
1841 be documented in the plan.

1842 (2) During construction, the person responsible for implementing the approved plan may
1843 request a waiver or modification of the requirements in writing from the County. The
1844 County must respond in writing either approving or disapproving the request. If the
1845 Director does not approve the requested waiver or modification within 10 days of receipt
1846 of the request, the request is disapproved. Following disapproval, the applicant may
1847 resubmit the request with additional documentation.

1848 (B) The County may grant exceptions to the provisions of Article 4 of this Chapter. An exception
1849 may be granted provided that (i) the exception is the minimum necessary to afford relief, (ii)
1850 reasonable and appropriate conditions shall be imposed as necessary upon any exception
1851 granted so that the intent of the VESMA and this chapter are preserved, (iii) granting the
1852 exception will not confer any special privileges that are denied in other similar circumstances,
1853 and (iv) exception requests are not based upon conditions or circumstances that are self-
1854 imposed or self-created.

1855 (C) Economic hardship alone is not a sufficient reason to grant an exception from the requirements
1856 of this Chapter.

1857 (D) Under no circumstance can the LDS Director (i) grant an exception to the requirement that the
1858 land-disturbing activity obtain required permits, or (ii) approve the use of a BMP not found
1859 through the Virginia Stormwater BMP Clearinghouse, except where allowed under Article 5
1860 of this Chapter.

1861 (E) Exceptions to requirements for phosphorus reductions are prohibited unless offsite options
1862 available through Section 124.1-4-5 have been considered and found not available.

1863 (F) A record of all exceptions granted must be maintained by the County in accordance with
1864 9VAC25-875-180.

1865

1866 **ARTICLE 8. Enforcement; Penalties.**

1867

1868 **Section 124.1-8-1. - Administrative Enforcement Procedures**

1869 (A) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any
1870 of the provisions of this Chapter, or permits any such violations, or fails to comply with any of
1871 the requirements hereof, or who fails to comply with any provision of this Chapter is subject
1872 to these enforcement provisions of this Chapter. The County may pursue enforcement in
1873 accordance with any of the remedies provided herein.

1874 (B) Verbal Warning. Upon becoming aware of any violation of any provisions of this Chapter, the
1875 County may issue a verbal warning.

1876 (C) Notice to Comply. When the County determines that there is a failure to comply with the
1877 permit conditions or conditions of land-disturbance approval, or to obtain an approved plan,
1878 permit, or land-disturbance approval prior to commencing land-disturbing activities the
1879 County may serve a notice to comply, set forth in such notice as a Notice of Violation, on the
1880 owner, permittee, or person conducting land-disturbing activities without an approved plan,
1881 permit, or approval. The Notice of Violation will (i) specify the measures needed to comply
1882 with the permit or land-disturbance approval conditions or shall identify the plan approval or
1883 permit or land-disturbance approval needed to comply with this the Act, and, (ii) specify a
1884 reasonable time within which such measures must be completed. In any instance in which a
1885 required permit or land-disturbance approval has not been obtained, the County may require
1886 immediate compliance. In such instance, the County may simultaneously issue a Notice of
1887 Violation and Stop Work Order as set forth in subsection (E) while the person conducting land-
1888 disturbing activities applies for land-disturbance approval. In any other case, the County may
1889 establish the time for compliance by accounting for the risk of damage to natural resources and
1890 other relevant factors. Notwithstanding any other provision in this subsection, the County may
1891 count any days of noncompliance as days of violation should the County take an enforcement
1892 action.

1893 (D) Service. A Notice of Violation must be served by delivery by facsimile, email, or other
1894 technology; by mailing with confirmation of delivery to the address specified in the permit or
1895 land-disturbance application, if available, or in the land records of the locality; or by delivery
1896 at the site to a person previously identified to the County by the permittee or owner.

1897 (E) Stop Work Order. If a person receiving a Notice of Violation fails to comply within the time
1898 specified therein or a person is conducting land-disturbing activities without an approved plan
1899 or required permit or land-disturbance approval, the County may issue a Stop Work Order
1900 requiring the owner or permittee, or person responsible for carrying out an approved plan, or
1901 the person conducting the land-disturbing activities without an approved plan or required
1902 permit or land-disturbance approval to cease all land-disturbing activities until the violation
1903 has ceased, or an approved plan and required permits and approvals are obtained, and specified
1904 corrective measures have been completed. Such orders become effective upon service on the
1905 person in the manner set forth in subsection (D). The County must lift the order immediately
1906 upon completion and approval of corrective action or upon obtaining an approved plan or any
1907 required permits or approvals.

1908 (F) Emergency Order. Where the alleged noncompliance is causing or presents an imminent and
1909 substantial danger of causing harmful erosion of lands or sediment deposition in waters within
1910 the watersheds of the Commonwealth or otherwise substantially impacting water quality, the
1911 County may issue, without advance notice or procedures, an emergency order directing such
1912 person to cease immediately all land-disturbing activities on the site and must provide an
1913 opportunity for a hearing, after reasonable notice as to the time and place thereof, to such
1914 person, to affirm, modify, amend, or cancel such emergency order.

1915 (G) Consent Order. The County may, with the consent of any person who has violated or failed,
1916 neglected, or refused to obey this Chapter, any condition of the County's land-disturbance
1917 approval, or any order of the County issued pursuant to this Chapter, issue a consent order.
1918 Such consent order may provide for the payment of civil charges in accordance with Section
1919 124.1-8-3 of this Chapter, not to exceed the limits specified in that section. Such civil charges
1920 are in lieu of any appropriate civil penalty that could be imposed under the Act and this
1921 Chapter. Any civil charges collected must be paid to the treasury of Fairfax County in
1922 accordance with subdivision A 2 of § 62.1-44.15:48 of the Virginia Code.

1923 (H) Appeal of Order. The owner, permittee, or person conducting a land-disturbing activity may
1924 submit a local appeal in accordance with the local appeal procedures described in Section
1925 124.1-8-2, or such person may appeal the issuance of any order directly to the circuit court of
1926 the jurisdiction wherein the violation was alleged to occur or other appropriate court as
1927 provided for in Virginia Code § 62.1-44.15:46 and Section 124.1-8-2(F) of this Chapter.

1928 (I) Notice of Violation by Aggrieved Property Owner.

1929 (1) An aggrieved owner of property sustaining pecuniary damage from soil erosion or
1930 sediment deposition resulting from a violation of an approved plan or required land-
1931 disturbance approval, or from the conduct of a land-disturbing activity commenced without
1932 an approved plan or required land-disturbance approval, may give written notice of an
1933 alleged violation to the County and to the State Water Control Board.

1934 (2) If the County has not responded to the alleged violation in a manner that causes the
1935 violation to cease and abates the damage to the aggrieved owner's property within 30 days
1936 following receipt of the notice from the aggrieved owner, the aggrieved owner may request
1937 that the State Water Control Board conduct an investigation and, if necessary, require the
1938 violator to stop the alleged violation and abate the damage to the property of the aggrieved
1939 owner.

1940 **Section 124.1-8-2. - Local Appeal; Hearings.**

1941 Any person engaging in or proposing to engage in a land-disturbing activity may seek
1942 administrative review of the County's decision by filing Notice of Intent to Appeal in accordance
1943 with the local appeal procedure set forth below.

1944 (A) The Notice of Intent to Appeal must be submitted to the Director of LDS or the Director of
1945 DPWES as applicable, in writing within ten days after the date of the County's decision. The
1946 Notice must:

- 1947 (1) be titled "Notice of Intent to Appeal;" and
1948 (2) state whether the appellant requests a local hearing.
- 1949 (B) Within 21 days after the Notice of Intent to Appeal is submitted to the LDS Director or the
1950 DPWES Director, the appellant must submit a written appeal to the LDS Director or the
1951 DPWES Director setting forth the factual, legal, or other bases for the appeal.
- 1952 (C) If the appellant requests a hearing in the Notice of Intent to Appeal, the hearing must be held
1953 no more than 60 days after the Notice of Intent to Appeal is submitted, unless an extension is
1954 agreed upon by the appellant and the County. The hearing will be conducted by the LDS
1955 Director or the DPWES Director and the scope of the appeal is limited to the bases set forth in
1956 the written appeal. The appellant may appear in person or be represented by counsel and may
1957 present any information and call any witnesses in support of the appeal.
- 1958 (D) The hearing must be recorded.
- 1959 (E) The LDS Director or the DPWES Director will make a final decision in writing within 14 days
1960 after either the submission of the written appeal, or if a hearing was held, within 14 days of
1961 that hearing. The final decision will state the facts upon which the decision is based.
- 1962 (F) If a person fails to file a Notice of Intent to Appeal the County's decision or fails to file a
1963 written appeal after noticing and intent to appeal, the County's decision becomes a final
1964 decision. Such final decision is subject to judicial review, provided that an appeal is filed in
1965 the appropriate court within 30 days from the date of a final written decision adversely
1966 affecting the rights, duties, or privileges of the person engaging in or proposing to engage in a
1967 land-disturbing activity.

1968

1969 **Section 124.1-8-3. - Civil penalties.**

- 1970 (A) Any person who violates any applicable provision of the Act, or this Chapter, including those
1971 adopted pursuant to the conditions of an MS4 permit, or any condition of a local land-
1972 disturbance approval, or who fails, neglects, or refuses to comply with any order of the County
1973 or a court, issued as herein provided, will be subject to a civil penalty not to exceed \$32,500
1974 for each violation within the discretion of the court. Each day of violation of each requirement
1975 constitutes a separate offense. Such civil penalties must be paid into the treasury of the County
1976 in which the violation occurred and are to be used solely for stormwater management capital
1977 projects, including (i) new stormwater best management practices; (ii) stormwater best
1978 management practice maintenance, inspection, or retrofitting; (iii) stream restoration; (iv) low-
1979 impact development projects; (v) buffer restoration; (vi) pond retrofitting; and (vii) wetlands
1980 restoration.
- 1981 (B) Any summons for collection of a civil penalty for any violation of this Chapter will be filed in
1982 the appropriate Court pursuant to Virginia Code.

1983

1984 **Section 124.1-8-4. - Criminal Penalties.**

1985 (A) Except as otherwise provided in this Chapter or Chapter 3.1 of the Code of Virginia, any
1986 person who willfully or negligently violates (1) any provision of Chapter 3.1 of the Code of
1987 Virginia, any regulation or order of the Board, or any condition of a certificate or land-
1988 disturbance approval of the Board, (2) any land-disturbance approval, ordinance, or order of
1989 the County, or (3) any order of a court shall be guilty of a misdemeanor punishable by
1990 confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more
1991 than \$32,500, either or both.

1992 (B) Except as otherwise provided in this Chapter or Chapter 3.1 of the Code of Virginia, any person
1993 who knowingly violates (1) any provision of Chapter 3.1 of the Code of Virginia, any
1994 regulation or order of the Board, or any condition of a certificate or land-disturbance approval
1995 of the Board, (2) any land-disturbance approval, ordinance, or order of the County, or (3) any
1996 order of a court issued as herein provided, or who knowingly makes any false statement in any
1997 form required to be submitted under this chapter or knowingly renders inaccurate any
1998 monitoring device or method required to be maintained under this chapter, shall be guilty of a
1999 felony punishable by a term of imprisonment of not less than one year nor more than three
2000 years, or in the discretion of the jury or the court trying the case without a jury, confinement
2001 in jail for not more than 12 months and a fine of not less than \$5,000 nor more than \$50,000
2002 for each violation. Any defendant that is not an individual shall, upon conviction of a violation
2003 under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation
2004 of each requirement shall constitute a separate offense.

2005 (C) Except as otherwise provided in this Chapter or Chapter 3.1 of the Code of Virginia, any person
2006 who knowingly violates any provision of Chapter 3.1 of the Code of Virginia, and who knows
2007 at that time that he thereby places another person in imminent danger of death or serious bodily
2008 harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of
2009 not less than two years nor more than 15 years and a fine of not more than \$250,000, either or
2010 both. A defendant that is not an individual shall, upon conviction of a violation under this
2011 subsection, be sentenced to pay a fine not exceeding the greater of \$1 million or an amount
2012 that is three times the economic benefit realized by the defendant as a result of the offense. The
2013 maximum penalty shall be doubled with respect to both fine and imprisonment for any
2014 subsequent conviction of the same person under this subsection.

2015 (D) Criminal prosecution under this section shall be commenced within three years of discovery
2016 of the offense, notwithstanding the limitations provided in any other statute.

2017

2018 **Section 124.1-8-5. - Injunction.**

2019 The County may apply to the appropriate court in any jurisdiction wherein the land lies to enjoin
2020 a violation or a threatened violation of the provisions of this Chapter or order or the conditions of
2021 a local land-disturbance approval. Any person violating or failing, neglecting, or refusing to obey
2022 any injunction, mandamus, or other remedy obtained pursuant to this Article will be subject, in the
2023 discretion of the court, to a civil penalty that shall be assessed and used in accordance with the
2024 provisions of Section 124.1-8-3.

2025 **ARTICLE 9– Fees.**

2026

2027 **Section 124.1-9-1. - General.**

2028 This Article establishes the fees to cover costs associated with implementation of the County's
2029 VESMP related to land disturbing activities and issuance of general permit coverage and County
2030 permits. Such fee attributes include the costs associated with plan review, registration statement
2031 review, permit issuance, state-coverage verification, inspections, reporting, database management,
2032 and compliance activities associated with the land-disturbing activities and for program oversight
2033 costs. Fees may also be established for permit maintenance, modification, and transfer.

2034 (A) The fees for individual permits and general permit coverage, permits or registration statements,
2035 and permit transfers are considered separate actions and must be assessed as a separate fee, as
2036 applicable.

2037 (B) Persons whose coverage under the General VPDES Permit for Discharges of Stormwater from
2038 Construction Activities has been revoked must reapply for an Individual Permit for Discharges
2039 of Stormwater from Construction Activities. The fee due shall be as specified under 9VAC25-
2040 875-1400.

2041 (C) Requests for a state permit, state permit modification, or general permit coverage will not be
2042 processed until the fees required pursuant to this Article are paid.

2043 (D) Individual permit or general permit coverage maintenance fees must be paid annually to DEQ
2044 or the County, as applicable. No permit will be reissued or automatically continued without
2045 payment of the required fee. Individual permit or general permit coverage maintenance fees
2046 apply until a notice of termination is effective.

2047 (E) All incomplete payments will be deemed as nonpayments. The DEQ or the County, as
2048 applicable, must notify the applicant of any incomplete payments. Interest may be charged for
2049 late payments at the underpayment rate set forth in Va. Code § 58.1-15 and is calculated on a
2050 monthly basis at the applicable periodic rate. A 10% late payment fee will be charged to any
2051 delinquent (over 90 days past due) account. The DEQ and the County are entitled to all
2052 remedies available under the Virginia Code in collecting any past due amount.

2053

2054 **Section 124.1-9-2. - Exemptions.**

2055 (A) No state permit application fees will be assessed to:

2056 (1) State permittees who request minor modifications to permits as defined in 9VAC25-875-20
2057 or other minor amendments at the discretion of the County.

2058 (2) State permittees whose permits are modified or amended at the request of the County or
2059 the DEQ. This does not include errors in the registration statement identified by the County,
2060 or the DEQ, or errors related to the acreage of the site.

2061 (B) State permit modifications at the request of the state permittee resulting in changes to
2062 stormwater management or ESM plans that require additional review by the County are not
2063 exempt pursuant to this section and shall be subject to fees specified under 9VAC25-875-1410.

2064

2065 **Section 124.1-9-3. - Fees for Coverage Under the General Permit for Discharges of**
2066 **Stormwater from Construction Activities and Permits for Chesapeake Bay Preservation**
2067 **Area Land-Disturbing Activities.**

2068 Fees for permits for Chesapeake Bay Preservation Act land-disturbing activities and the County's
2069 portion of the fees for coverage under the General Permit for Discharges of Stormwater for
2070 Construction Activities must be paid to the County at such times and amounts as provided for in
2071 Appendix Q of the Code. The state's portion of the fee for coverage under the General Permit for
2072 Discharges of Stormwater for Construction Activities must be paid to the state at such times and
2073 amounts as provided for 9VAC25-875-1330 and 9VAC25-875-1400.

2074

2075 **Section 124.1-9-4. - Fees for the Modification or Transfer of Registration Statements for the**
2076 **General Permit for Discharges of Stormwater from Construction Activities.**

2077 Fees that apply to modification or transfer of individual permits or of registration statements for
2078 the General VPDES Permit for Discharges of Stormwater from Construction Activities issued by
2079 the Department will be paid to the County at such times and amounts as provided for in Appendix
2080 Q of the Code. If the permit modifications result in changes to stormwater management plans that
2081 require additional review by the County, such reviews are subject to the fees set out in this section.
2082 The fees assessed are based on the total disturbed acreage of the site. The permit modification fee
2083 includes any cost difference between the initial permit fee paid and the permit fee that would have
2084 applied for the total disturbed acreage. No modification or transfer fee is required until such
2085 department-approved programs exist. These fees become effective when assessed by the County.

2086 **Section 124.1-9-5. - Permit Maintenance Fees.**

2087 Annual permit maintenance fees for General Permits for Discharges of Stormwater from
2088 Construction Sites including expired permits that have been administratively continued and
2089 Chesapeake Bay Preservation Act land-disturbing activities must be paid to the County by April
2090 1st of each year in the amounts specified in Appendix Q of the Code. With respect to the General
2091 VPDES Permit for Discharges of Stormwater from Construction Activities, these fees apply until
2092 the permit coverage is terminated and are effective when assessed by a VESMP authority.

2093

2094 **ARTICLE 10. - Illicit Discharges to the Storm Sewer System and State Waters.**

2095

2096 **Section 124.1-10-1. - Purpose.**

2097 The purpose of this Article is to enable the County to comply with state and federal laws and
2098 regulations, including the Clean Water Act (33 U.S.C. § 1251 et seq.), and the County's MS4
2099 permit by preventing the discharge of non-stormwater substances into the Fairfax County

2100 Municipal Separate Storm Sewer System ("County MS4") and to prevent discharges of prohibited
2101 substances into waters of the Commonwealth of Virginia that are located within the jurisdictional
2102 boundaries of the County and five miles beyond such jurisdictional boundary. The objective of
2103 this Article is to:

2104 (A) Prevent the discharge of non-stormwater and/or prohibited substances into the County MS4
2105 and state waters;

2106 (B) Prevent illicit connections to the County MS4;

2107 (C) Facilitate compliance with the state-issued Fairfax County Municipal Separate Stormwater
2108 Sewer System permit; and

2109 (D) Authorize the Director of DPWES to investigate and enforce violations of this Article.

2110

2111 **Section 124.1-10-2. - Responsibilities of the Director of the Fairfax County Department of**
2112 **Public Works and Environmental Services ("DPWES").**

2113 The DPWES Director has direct charge over the County MS4, including responsibility for the
2114 operation, maintenance, and administration thereof, and responsibility for the enforcement of
2115 violations of this Article. In the investigation and enforcement of violations of this Article, the
2116 DPWES Director may exercise any and all authority granted to the LDS Director under Article 8
2117 and may exercise the right of entry set forth in Chapter 124.1-2-8 for obtaining information or
2118 conducting surveys or investigations necessary in the enforcement of the provisions of this Article.

2119

2120 **Section 124.1-10-3. - Illicit Discharges to the Storm Sewer System and State Waters.**

2121 (A) It is a violation of this Article for any Person to discharge or deposit, or to cause or allow to
2122 be discharged or deposited any trash, leaves, grass clippings, soil, oil, petroleum products,
2123 noxious or flammable substances, other wastes, or any matter causing or adding pollution in
2124 any state waters of this County or on any property in this County in any manner so as to allow
2125 any such substance to be washed into state waters by storm or flood water. The discharge or
2126 deposit of any substance to state waters in accordance with a state-issued permit is authorized
2127 but any exceedance of permit limits is a violation of this subsection.

2128 (B) It is a violation of this Article for any Person to discharge or deposit, or to cause or allow to
2129 be discharged or deposited in the County MS4, trash, leaves, grass clippings, soil, oil,
2130 petroleum products, noxious or flammable substances, other wastes, or any matter causing or
2131 adding pollution; provided however, that leaves may be piled at curbs during such seasons and
2132 in such areas as may now or in the future be furnished mechanical leaf collection service. It is
2133 the intent of this provision to prohibit the entry into the County MS4 of any substance, whether
2134 solid or liquid, other than naturally occurring surface or subsurface waters. The discharge or
2135 deposit of any substance to the County MS4 in accordance with a state-issued permit is
2136 authorized but any exceedance of permit limits is a violation of this subsection.

2137 (C) It is a violation of this Article to connect any plumbing fixtures, drains, appurtenances, or
2138 appliances that discharge any substance other than stormwater into the County MS4.

2139 (D) The DPWES Director is authorized to enforce violations of this Article by issuing a Notice of
2140 Violation that describes the violation and identifies a reasonable time within which measures
2141 must be taken to abate the violation and to mitigate the impact of the violation, as necessary.
2142 The Notice of Violation must be served on the owner of the property upon which the violation
2143 occurred or the person responsible for causing the violation. Any recipient of a Notice of
2144 Violation issued under this Article may file an appeal under the procedures in Article 8. The
2145 Notice of Violation becomes a final decision upon the failure of the recipient to file a timely
2146 local appeal under Article 8. The DPWES Director may use the legal remedies and civil
2147 penalties available under Article 8 of this Chapter. A final decision is subject to judicial review,
2148 provided that an appeal is filed in the appropriate court within 30 days from the date of a final
2149 written decision adversely affecting the rights, duties, or privileges of the recipient of the
2150 Notice of Violation.

2151

2152 **Section 124.1-10-4. - Standards for Inspection of Industrial and Commercial Property**
2153 **Discharging to the County MS4.**

2154 Properties on which there are industrial or commercial uses that may, in the opinion of the DPWES
2155 Director, present a high risk of discharging a significant pollutant load of non-stormwater
2156 substances to the County MS4 are subject to inspection by the DPWES Director and his designees.
2157 The inspection program establishing the basis for selecting a particular property for inspection
2158 under this program will be made and is available through DPWES.

2159

2160

ARTICLE 11. - Debris Landfill.

2161

2162 **Section 124.1-11-1. - Landfill operation.**

2163 No person may operate a debris landfill in Fairfax County until the proposed debris landfill site
2164 has been approved by the Board of Supervisors following a public hearing and required permits
2165 have been issued by the Director and the DEQ. Any person who has already been issued a permit
2166 to operate a debris landfill by the DEQ or has received zoning or other land use approval for the
2167 siting of the facility, prior to July 1, 1989, is not required to obtain siting approval for such debris
2168 landfill pursuant to the provisions of this Article.

2169

2170 **Section 124.1-11-2. - Purpose and intent.**

2171 It is the purpose of this Article to protect and to provide for the public health, safety, and general
2172 welfare of the citizens of Fairfax County; to protect against the unregulated dumping of garbage
2173 or debris, to prevent the hazards of fire, to protect the County's and State's waters from pollution
2174 and from erosion and sedimentation; to protect against undue noise, against undue truck traffic,

2175 against uncontrolled dust and debris; to ensure conformance with permits which have been issued
2176 for land use and design; to ensure that the ultimate master-planned use of the property may be
2177 accomplished upon completion of operations.

2178

2179 **Section 124.1-11-3. - Definitions.**

2180 For the purposes of Article 11 only, the following words and terms have the following meanings
2181 unless the context clearly indicates otherwise:

2182 *Debris landfill or landfill* means a *facility* used to dispose of only the following materials expressly
2183 permitted by the Board of Supervisors. Tree stumps, brush, logs, limbs, and root material;
2184 construction and/or demolition rubble; excavation material; major household appliances; ash
2185 (thoroughly quenched); machinery; metals, and properly cut-up tires (i.e. radially split, shredded
2186 or chipped) such that, when buried, there is no potential for trapping air or water in voids. In
2187 addition, compost may be used as normal landfill cover only in accordance with the DEQ
2188 regulations, and when the landfill operator has received written authorization from the DEQ to
2189 dispose of same on such a landfill. Semi-liquid excavation material and paper wastes (unless part
2190 of construction/demolition rubble) may be included only where expressly approved by the
2191 Director.

2192 *Design Plan* means a plan meeting the requirements of § 5-0100 et seq. of the Public Facilities
2193 Manual.

2194 *Director* means the Director of Land Development Services or their agent.

2195 *Operator* means the owner of the property where the landfill activities are to take place, or their
2196 authorized agent.

2197

2198 **Section 124.1-11-4. - Debris landfill permit.**

2199 (A) After receiving siting approval from the Board of Supervisors, any person desiring to obtain a
2200 debris landfill permit must file an application with the Director on forms provided by Land
2201 Development Services. No debris landfill permit may be issued by the Director until they are
2202 satisfied that the applicant has met the Land Use requirements and the Design requirements of
2203 the Code, the Code of Virginia, and the regulations contained in Title 9, Agency 20, Chapter
2204 81 of the Virginia Administrative Code, or that the applicant had a legally established landfill
2205 operation in existence on July 1, 1989.

2206 (B) A debris landfill permit must be granted within 60 days, where the application conforms to the
2207 requirements of this ordinance and the provisions of the Fairfax County Zoning Ordinance and
2208 be effective for a period of time not in excess of that required to attain the maximum engineered
2209 capacity of the said landfill as specified in the Design Plan. The permit, by its terms, must be

2210 subject to annual review and renewal by the Director. An application for renewal must be
2211 submitted to the Director no later than 60 days prior to the annual expiration date.

2212 (C) The applicant is entitled to appeal the denial of any permit application to the Fairfax County
2213 Circuit Court.

2214 (D) Any person seeking approval for the operation of a debris landfill under this Article must
2215 submit a Design Plan to the Director, in conformance with the standards defined in this Chapter
2216 and the Public Facilities Manual. The Director, after receiving the recommendations of the
2217 Health Department and the Department of Public Works and Environmental Services must
2218 approve or disapprove, with reasons therefore, the Design Plan within 60 days of the date of
2219 submission.

2220

2221 **Section 124.1-11-5. - Debris landfill permit requirements.**

2222 (A) A detailed operating plan for the proposed debris landfill must accompany the permit
2223 application and must include the following information:

2224 (1) The proposed rate of utilization of the landfill capacity along with the projected life of the
2225 landfill.

2226 (2) The projected traffic count for vehicles hauling to the landfill on all neighboring highways
2227 or as deemed necessary by the Director.

2228 (3) The planned hours of operation; the number of personnel assigned to the landfill; and the
2229 types and number of pieces of equipment to be used during these hours.

2230 (4) The procedures for the control of dust on-site.

2231 (5) The provisions for minimizing and controlling the carrying of dirt, dust, and/or mud onto
2232 off-site roadways; and for minimizing and controlling odor.

2233 (6) The procedures and plan for the control of fire.

2234 (7) The provisions for screening and limiting access including vegetation, hills, embankments,
2235 fencing, trees, etc.

2236 (8). The procedures for providing temporary erosion control including but not limited to
2237 division ditches, embankments, channels, vegetation growth, straw bales, grade
2238 stabilization, etc.

2239 (9) The procedure for the placing of intermediate and final cover including the type of cover
2240 material to be used.

2241 (B) The operating plan must demonstrate compliance with the following minimum requirements
2242 and guidelines:

- 2243 (1) Adequate personnel and equipment to operate the landfill must be present during all
2244 working hours.
- 2245 (2) A well-compacted cover, which must be a minimum of four to ten inches in depth for
2246 surface and side slopes, must be placed as intermediate cover over all material. No material
2247 may remain uncovered for more than 14 days.
- 2248 (3) A well-compacted clean earth cover, which must be a minimum of 30 inches in depth for
2249 surface and side slopes, must be placed as a final cover over the completed areas of the
2250 landfill.
- 2251 (4) A firebreak of a minimum of 50 feet must be maintained between the landfill and adjoining
2252 wooded areas in addition to availability of cover material maintained in close proximity to
2253 the working face of the fill.
- 2254 (5) Upon completion of a debris fill cell, the entire surface of intermediate cover must be
2255 maintained free of cracks, erosion or uneven cover.
- 2256 (6) A vegetative or other appropriate cover for erosion control must be established and
2257 maintained on all intermediate and final landfill areas designated to remain inactive for a
2258 period of more than 90 days.
- 2259 (7) All debris landfill cover must be composed of earth or other approved material of such
2260 character that it can be compacted to provide a tight seal, will not crack excessively, and is
2261 free of putrescible substances.
- 2262 (8) No salvaging is permitted at the debris landfill unless it is part of the operating plan.
- 2263 (9) The application must indicate the degree of compaction of materials necessary to allow
2264 eventual construction upon the site commensurate with that envisioned by master plan use.
- 2265 (C) As a condition for the issuance of a debris landfill permit, the applicant must agree to permit
2266 access to the site for inspection by the Director and other officials at any time as may be deemed
2267 necessary by the Director.
- 2268 (D) Such inspection must be for the purpose of determining that the limitations and conditions of
2269 the debris landfill permit are being met, including but not limited to the following:
- 2270 (1) Limitations on vehicle traffic, maintenance of the access road for vehicles;
- 2271 (2) Provision for prevention from fire;
- 2272 (3) Provisions for odor control;
- 2273 (4) Protection of water quality;
- 2274 (5) Establishment and preservation of grades as shown on the Design Plan.

2275

2276 **Section 124.1-11-6. - Revocation.**

2277 (A) A debris landfill permit is subject to revocation at any time by the LDS Director if the landfill
2278 is being operated in violation of the provision of this Chapter; in violation of the limitations
2279 and conditions of the permit; or that the landfill is not in accordance with the Design Plan as
2280 required herein.

2281 (B) Before revoking such permit, however, the Director must give the holder thereof at least ten
2282 working days written notice to correct any such violation. In the event that the violation has
2283 not been corrected within the ten-day period, the Director will revoke the permit.

2284 (C) Any operator whose permit is revoked may appeal in writing such revocation to the County
2285 Executive, for their decision within ten days of his receipt of such appeal.

2286 **Section 124.1-11-7. - Fee.**

2287 The applicant for a debris landfill permit under these provisions must pay to the County such fees
2288 as prescribed by Appendix Q of the Code. This fee includes the cost of processing the debris
2289 landfill permit application and the inspections which are deemed necessary by the LDS Director
2290 and will be assessed at the time of initial application and subsequently at the time of annual review.

2291 **That the provisions of this ordinance shall take effect on July 1, 2024.**

2292

2293

GIVEN under my hand this _____ day of _____, 2024.

2294

2295

2296

2297

Jill G. Cooper
Clerk for the Board of Supervisors

2298

2299

**Cross-reference Table
of
Provisions in Existing Chapters 104 and 124 Corresponding to Provisions in Proposed Chapter 124.1**

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ARTICLE 1. – General Provisions.		
124.1-1-1. Title.	124-1-1. Title.	
124.1-1-2. Authority.	124-1-2. Authority.	
124.1-1-3. Enactment.	124-1-3. Enactment	
124.1-1-4. Purpose and Administration.	124-1-4. Purpose and Administration.	104-1-1. Purpose and administration.
124.1-1-5. Definitions.	124-1-5. Definitions.	104-1-7. Definitions.
124.1-1-6. Areas of Applicability.	124-1-6. Areas of Applicability	
124.1-1-7. Activities Exempt from this Chapter.	124-1-7. Exemptions.	104-1-7. Definitions.
124.1-1-8. Applicability of and Conflicts with Other Laws and Regulations.	124-1-10. Applicability of and Conflicts with Other Laws and Regulations.	104-1-9. Interpretation and conflict.
124.1-1-9. Severability.	124-1-9. Severability	
ARTICLE 2. - Requirements for Land Disturbing Activity.		
124.1-2-1. Regulated Land-Disturbing Activity.	124-2-1. Applicability.	104-1-2. Applicability; regulated land-disturbing activities; submission and approval of a conservation plan.
124.1-2-2. Legacy Land-Disturbing Activity.	124-1-12. Grandfathering.	
124.1-2-3. Time Limits on Applicability of Approved Design Criteria.	124-1-11. Time Limits on Applicability of Approved Design Criteria.	
124.1-2-4. Chesapeake Bay Preservation Act Land-Disturbing Activity.	124-1-13. Chesapeake Bay Preservation Act Land-Disturbing Activity.	

**Cross-reference Table
of
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Chapter 124.1 Erosion and Stormwater Management Ordinance	Chapter 124 Stormwater Management Ordinance	Chapter 104 Erosion and Sedimentation Control Ordinance
124.1-2-5. Review and Approval of Plans; Issuance of County Land-Disturbance Permit for Land-Disturbing Activity.	124-2-2. Permit Required 124-2-4. Security for Performance 124-2-9. Stormwater Management Plan Review	104-1-3. Plan review and approval. 104-1-4. Approved plan required for issuance of grading, building or other permit; security for performance.
124.1-2-6. Long-term maintenance of stormwater management facilities.	124-2-10. Long-term Maintenance of Permanent Stormwater Management Facilities. 124-2-11. Construction Record Drawings	
124.1-2-7. Inspections; Records and Reports	124-2-5. Monitoring, Reports, Investigations, and Inspections.	104-1-5. Monitoring and inspections.
124.1-2-8. Right of Entry.	124-1-8. Right of Entry	104-1-13. Right of entry.
124.1-2-9. Annual Standards and Specifications for State Agencies, Federal Entities, and Other Specified Entities.	124-2-3. Annual Standards and Specifications for State Agencies, Federal Entities, and Other Specified Entities.	104-1-2. Applicability; regulated land-disturbing activities; submission and approval of a conservation plan.
ARTICLE 3. – Stormwater Management: Plan Requirements		
124.1-3-1. Stormwater Pollution Prevention Plan Requirements.	124-2-6. Stormwater Pollution Prevention Plan Requirements.	
124.1-3-2. Stormwater Management Plan Requirements.	124-2-7. Stormwater Management Plans.	
124.1-3-3. Pollution Prevention Plans.	124-2-8. Pollution Prevention Plans.	
ARTICLE 4. - Water Quantity and Water Quality Technical Criteria for Regulated Land-Disturbing Activity		
124.1-4-1. Applicability.	124-4-1 Applicability.	

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of
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124.1-4-3. Water Quality Compliance.	124-4-3. Water Quality Compliance.	
124.1-4-4. Water Quantity.	124-4-4. Water Quantity.	
124.1-4-5. Offsite Compliance Options.	124-4-5. Offsite Compliance Options.	
124.1-4-6. Design Storms and Hydrologic Methods.	124-4-6. Design Storms and Hydrologic Methods.	
124.1-4-7. Stormwater Harvesting.	124-4-7. Stormwater Harvesting.	
124.1-4-8. Linear Development Projects.	124-4-8. Linear Development Projects.	
124.1-4-9. Comprehensive Stormwater Management Plans.	124-4-9. Comprehensive Stormwater Management Plans.	
124.1-4-10. Stormwater Management Impoundment Structures or Facilities.	124-4-10. Stormwater Management Impoundment Structures or Facilities.	
ARTICLE 5 - Technical Criteria for Legacy Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria		
124.1-5-1. Definitions.	124-5-1. Definitions.	
124.1-5-2. Applicability.	124-5-2. Applicability.	
124.1-5-3. General.	124-5-3. General.	
124.1-5-4. Water Quality.	124-5-4. Water Quality.	
124.1-5-5. Stream Channel Erosion.	124-5-5. Stream Channel Erosion.	
124.1-5-6. Flooding.	124-5-6. Flooding.	
124.1-5-7. Regional (watershed-wide) Stormwater Management Plans.	124-5-7. Regional (watershed-wide) Stormwater Management Plans.	

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ARTICLE 6. – Erosion and Sediment Control: Plan Requirements and Minimum Standards for Technical Criteria		
124.1-6-1. Applicability.		104-1-2. Applicability; regulated land-disturbing activities; submission and approval of a conservation plan.
124.1-6-2. Erosion and Sediment Control Plans.		104-1-2. Applicability; regulated land-disturbing activities; submission and approval of a conservation plan.
124.1-6-3. Erosion and sediment control criteria, techniques, and methods: minimum standards.		104-1-8. Conservation standards.
ARTICLE 7 - Exceptions.		
124.1-7-1. Exceptions.	124-6-1. Exceptions.	104-1-3. Plan review and approval
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124.1-8-1. Administrative Enforcement Procedures.	124-8-1. General Provisions.	104-1-6. Reconsideration; judicial review. 104-1-12. Enforcement, penalties, injunctions, and other legal actions.
124.1-8-2. Local Appeal; Hearings.	124-7-1. Right to Administrative Review. 124-7-2. Appeals of Final Orders.	104-1-6. Reconsideration; judicial review. 104-1-12. Enforcement, penalties, injunctions, and other legal actions.
124.1-8-3. Civil penalties.	124-8-3. Civil Penalties.	104-1-12. Enforcement, penalties, injunctions, and other legal actions.
124.1-8-4. Criminal Penalties.	124-8-2. Criminal Violations and Penalties.	104-1-12. Enforcement, penalties, injunctions, and other legal actions.

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124.1-8-5. Injunction.	124-8-1. General Provisions.	104-1-12. Enforcement, penalties, injunctions, and other legal actions.
ARTICLE 9 – Fees.		
124.1-9-1. General.	124-3-1. General.	104-1-3. Plan review and approval.
124.1-9-2. Exemptions.	124-3-2. Exemptions	
124.1-9-3. Fees for Coverage Under the General Permit for Discharges of Stormwater from Construction Activities and Permits for Chesapeake Bay Preservation Area Land-Disturbing Activities.	124-3-3. Fees for Coverage Under the General Permit for Discharges of Stormwater from Construction Activities and Permits for Chesapeake Bay Preservation Area Land-Disturbing Activities.	
124.1-9-4. Fees for the Modification or Transfer of Registration Statements for the General Permit for Discharges of Stormwater from Construction Activities.	124-3-4. Fees for the Modification or Transfer of Registration Statements for the General Permit for Discharges of Stormwater from Construction Activities.	
124.1-9-5. Permit Maintenance Fees.	124-3-5. Permit Maintenance Fees.	
ARTICLE 10. - Illicit Discharges to the Storm Sewer System and State Waters.		
124.1-10-1. Purpose.	124-9-1. Purpose.	
124.1-10-2. Responsibilities of the Director of the Fairfax County Department of Public Works and Environmental Services (“DPWES”).	124-9-2. Responsibilities of the Director of the Fairfax County Department of Public Works and Environmental Services (“DPWES”).	
124.1-10-3. Illicit Discharges to the Storm Sewer System and State Waters.	124-9-3. Illicit Discharges to the Storm Sewer System and State Waters.	

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of
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Chapter 124.1 Erosion and Stormwater Management Ordinanceable	Chapter 124 Stormwater Management Ordinance	Chapter 104 Erosion and Sedimentation Control Ordinance
124.1-10-4. Standards for Inspection of Industrial and Commercial Property Discharging to the County MS4.	124-9-4. Standards for Inspection of Industrial and Commercial Property Discharging to the County MS4.	
ARTICLE 11. - Debris Landfill.		
124.1-11-1. Landfill operation.		104-2-1. Landfill operation.
124.1-11-2. Purpose and intent.		104-2-2. Purpose and intent.
124.1-11-3. Definitions.		104-2-3. Definitions.
124.1-11-4. Debris Landfill Permit.		104-2-4. Debris landfill permit.
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ADMINISTRATIVE - 8

Authorization for the Department of Housing and Community Development to Apply for and Accept Grant Funding from the U.S. Department of Housing and Urban Development, Preservation and Reinvestment Initiative for Community Enhancement Grant

ISSUE:

Board of Supervisors authorization is requested for the Department of Housing and Community Development (HCD) to apply for and accept grant funding, if received, from the U.S. Department of Housing and Urban Development's (HUD), Preservation and Reinvestment Initiative for Community Enhancement (PRICE) Main grant in the amount of \$39,550,000. Funding would be used for the purposes of rehabilitation and replacement of existing units, infrastructure improvements, planning activities, resident and community services, resilience activities, and providing other assistance to manufactured housing tenants and homesite renters for land and site acquisition. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, formal budget appropriation will be requested at a quarterly review.

RECOMMENDATION:

The County Executive recommends that the Board authorize HCD to apply for and accept grant funding, if received, from the HUD PRICE Main grant in the amount of \$39,550,000. No Local Cash Match or new grant positions are required. The County Executive also recommends the Board authorize the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements on behalf of the County.

TIMING:

Board approval is requested on May 21, 2024, in order to apply for the grant by the June 5, 2024, due date. The County Executive requests that the Board defer the authorization to apply until after the public hearing on the PRICE Main grant application on May 21, 2024.

BACKGROUND:

The PRICE grant competition has been issued by HUD to preserve long-term housing affordability for residents of manufactured housing or a Manufactured Housing Community (MHC), to redevelop MHCs, and to primarily benefit low- and moderate-

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income residents. Congress appropriated \$225 million for competitive grants, of which \$200 million is reserved for the main PRICE competition (PRICE Main) and the remaining \$25 million is reserved for a pilot program to assist in the redevelopment of MHCs as replacement housing that is affordable. HUD expects to make approximately 25 awards from the funds available, with a minimum award amount for PRICE Main of \$5,000,000 and a maximum award amount of \$75,000,000. As of May 2, 2024, HUD has stated that there is an Intent to Modify the maximum amount up to \$235 million. Additional details about the modifications have not been published on the HUD website; however, HUD does not anticipate these modifications will necessitate changes to most proposals.

HCD in partnership with the Departments of Neighborhood and Community Services (NCS), Planning and Development (DPD), and Public Works and Environmental Services (DPWES) as well as the Office of Energy and Environmental Coordination (OEEC) and the Office of Human Rights and Equity Programs (OHREP) is applying for a PRICE Main grant of \$39,550,000. The grant has a six-year period of performance with an estimated project start date of October 1, 2024, and estimated project end date of September 30, 2030.

As required by HUD, the full draft grant application has been made available for public comments for 15 days culminating in today's May 21, 2024, public hearing. Today's public hearing was also required by HUD as part of the application process. The timing of the public comment period and this public hearing allows HCD staff to consider and incorporate as appropriate public comments into the application.

Fairfax County has eight existing MHCs across several magisterial districts containing approximately 1,750 units. This grant would be beneficial in serving these communities, furthering affordable housing preservation goals in Fairfax County, implementing the Fairfax County goals Metropolitan Council of Governments (COG) Regional Fair Housing plan, and implementing the recommendations of the Manufactured Housing Task Force (MHTF). If awarded, funding would be used for the purposes of rehabilitation and replacement of existing units, infrastructure improvements, planning activities, resident and community services, resilience activities, wealth building activities, community education and engagement, and providing other assistance to manufactured housing tenants and homesite renters for land and site acquisition. The PRICE Main grant will support activities recommended by the MHTF and delivered to the Board in September 2022. The Board has identified manufactured housing as a source of affordable housing within the County. The MHTF evaluated the needs of residents and MHC owners and made recommendations with the following goals:

- Preserving the approximately 1,750 housing opportunities that exist in the eight MHCs, recognizing the uniqueness of each community's needs.

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- Providing opportunities for residents to fully participate in and benefit from civic life in the County; and
- Provide residents and MHC owners with opportunities to learn about their rights and responsibilities.

The PRICE Main grant application does not require matching funding; however, HUD views external funding as an indicator of support and commitment to the project. The following sources have been identified to support this initiative:

- The County will leverage \$3,750,000 in Amazon IMPACT Reach funds to assist first-time homebuyers in MHCs.
- The Neighborhood Initiative Program and Opportunity Neighborhoods, both administered by the Department of Neighborhood and Community Services, will also provide funding to enhance service delivery and promote equitable outcomes for manufactured housing residents, leveraging around \$2,794,500.
- The County's FY 2023 and FY 2024 One-Year Action Plans allocated funding to a pilot manufactured housing rehabilitation activity. The current balance of funding for this activity is \$491,064 with an annual planned allocation of \$240,000 of CDBG funds. These funds would provide additional program funding leverage of \$1,931,064 during the PRICE Main grant period of performance. It should be noted that the annual allocation of \$240,000 between FY 2025 and FY 2030 is dependent upon HUD CDBG grant awards equal to the FY 2024 award.

Pursuant to 24 CFR 570.200(k) (entitlements and non-CDBG grantees) and 570.480(h) (states), any unexpended funds in a grantee's account on September 30, 2032, will be cancelled. A grantee must expend funds in a manner that meets all PRICE program requirements by the end of the period of the performance of the PRICE grant or September 30, 2032, whichever is earlier.

EQUITY IMPACT:

The County's application for the PRICE Main grant would meet critical housing, human services, and community development needs and also align with multiple focus areas of One Fairfax, including:

1. Community and economic development policies and programs that promote wealth creation and ensure fair access for all people.
2. Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the County, most notably those in mixed-use areas that are accessible to multiple modes of transport.
8. Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve

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- common goals that improve the quality of life for everyone in the neighborhood.
11. A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities, and services for all people.

The PRICE Main grant will also focus on improved community outreach and engagement in MHCs, understanding of community needs, access to resources that support housing stability, code compliance and safety, land use policies and regulations, and legislation.

The MHTF purposefully included a diverse array of MHC residents, community owners, housing advocates, and representatives of the development community, among others. These recommendations and the application were developed through a public process with community and stakeholder engagement paramount to the formation of the recommendations and application.

FISCAL IMPACT:

Grant funding in the amount of \$39,550,000 is being requested from the HUD PRICE Main grant. No Local Cash Match is required; however, HUD views external funding as an indicator of support and commitment to the project and will leverage Amazon IMPACT Reach funds, Neighborhood Initiative Program and Opportunity Neighborhoods program funding administered in NCS, and CDBG funding. This grant does not allow the recovery of indirect costs. Formal budget appropriation will be requested at a quarterly review if the County is awarded funding.

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Fairfax County Application for the PRICE Main Grant

STAFF:

Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Meghan Van Dam, Director, Affordable Housing Development Division, HCD
Sharon Shields, Program Manager, Grants Management, HCD

ASSIGNED COUNSEL:

Susan L. Timoner, Assistant County Attorney

FAIRFAX COUNTY DRAFT APPLICATION
FOR THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PRESERVATION AND REINVESTMENT INITIATIVE FOR
COMMUNITY ENHANCEMENT (PRICE) MAIN COMPETITION

May 6, 2024

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- Attachment B. Affirmative Marketing
- Attachment C. Affirmatively Furthering Fair Housing
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- Attachment H. Summary of Public Comments on published Application

Exhibit A: EXECUTIVE SUMMARY

Fairfax County, Virginia, renowned for its quality of life and economic opportunities, faces a pressing need for affordable and accessible housing. Despite its high median income, a significant portion of Fairfax County residents struggle with the soaring cost of living, racial disparities, and limited affordable housing options. Particularly vulnerable are low-and moderate-income (LMI) households, especially those earning below 30 percent of the Area Median Income (AMI), who face severe housing burdens and a lack of equitable opportunities.

With approximately one in five renters in Fairfax County facing severe housing cost burdens, the demand for affordable housing is urgent and projected to escalate. By 2034, the county anticipates a need for over 18,000 new housing units for households earning less than 80 percent of the AMI. This challenge not only threatens the economic vitality of Fairfax County but also impedes the realization of its commitment to racial and social equity through initiatives like the One Fairfax policy.

Manufactured Housing Communities (MHCs) in Fairfax County serve as crucial sources of affordable housing, particularly for working families. However, these communities face multifaceted challenges, including escalating land values, regulatory constraints, and vulnerability to environmental hazards such as flooding, storms, and extreme heat. Residents of MHCs are disproportionately impacted by these challenges due to limited economic capacity, physical location in environmentally hazardous areas, and linguistic isolation.

Recognizing the critical role of MHCs in providing affordable housing, Fairfax County has undertaken significant efforts to preserve and revitalize these communities. The Manufactured Housing Task Force (MHTF) was established to develop strategies for preserving affordable housing opportunities within MHCs. However, barriers such as high land costs, limited constitutional authority, and limited resident organization hinder preservation efforts.

Fairfax County's application for the PRICE Main Competition seeks to address these challenges comprehensively by promoting housing preservation and revitalization, accelerating services to MHCs, and implementing the recommendations of the MHTF through a lens of racial and social equity. By enhancing resilience to natural hazards, improving resident organization and economic capacity, and mitigating regulatory constraints, Fairfax County aims to safeguard the affordability and accessibility of housing within MHCs.

The proposed interventions not only address immediate housing needs but also align with Fairfax County's broader goals of promoting equitable access to housing and fostering resilient communities. Through collaborative efforts between government agencies, residents, MHC owners, and community organizations, Fairfax County endeavors to ensure that all residents have access to safe, affordable, and dignified housing, thereby fostering a more inclusive and prosperous community for all.

EXHIBIT B: THRESHOLD REQUIREMENTS AND OTHER SUBMISSION REQUIREMENTS

The Department of Housing and Community Development (HCD) operates under the Fairfax County Government in Fairfax County, VA. HCD is an eligible applicant for the Preservation and Reinvestment Initiative for Community Enhancement (PRICE) Competition as a local county government. All eligibility requirements under Exhibit B Threshold Requirements in Section III.D and Other Submission Requirements in Section IV.G are met, with no unresolved Civil Rights Matters, to be eligible for the PRICE grant.

Applicant: Fairfax County Government, Department of Housing and Community Development.

Type of Applicant: Local Government.

Main Point of Contact: Meghan Van Dam, Affordable Housing Division Director, HCD.

Address: 3700 Pender Drive, Fairfax, VA 22030.

Contact Information: [Meghan.VanDam@fairfaxcounty.gov](mailto: Meghan.VanDam@fairfaxcounty.gov); (703)324-1379.

Outstanding Civil Rights Matters: None.

EXHIBIT C: NEED (Maximum 15 points)

What is your project area and the need for affordable accessible housing within it?

Fairfax County, Virginia is a great place to live and to do business. Approximately 1.14 million people call Fairfax County home, meaning about one in every eight Virginians live in the Fairfax County. The county has one of the highest Area Median Incomes (AMI) in the nation, currently \$154,700 for a family of four as determined by the US Department of Housing and Urban Development (HUD); however, not all residents are prospering in the county. The high cost of living, racial and income inequities, and the lack of affordable housing options is putting the County’s well-being and future prosperity at risk. A household with two working adults and two children needs an annual gross income of about \$150,183 as a living wage to meet basic living expenses.¹ This income is about five times higher than the federal poverty level.

Low-income households in Fairfax County, particularly those below 30 percent of AMI (i.e., extremely low-income households) are the most disadvantaged in finding and keeping housing in the current market. Extremely low-income households in Fairfax County have a high incidence of housing problems and are more often severely cost burdened than other populations. Furthermore, a disproportionately high number of minority non-white households pay more than 30 percent of their household income for housing. This disproportionality is greatest among Black/African Americans and Hispanics. Hispanic households experience cost burden most frequently, and approximately 44 percent of Hispanic households are cost burdened, paying more than 30 percent of their income as rent.²

Fairfax County’s rent prices are substantially higher than the state average and are notably less equitably distributed across price ranges (Figure 1).

Figure 1: Rent Distribution in Fairfax County (left) versus Virginia (right)

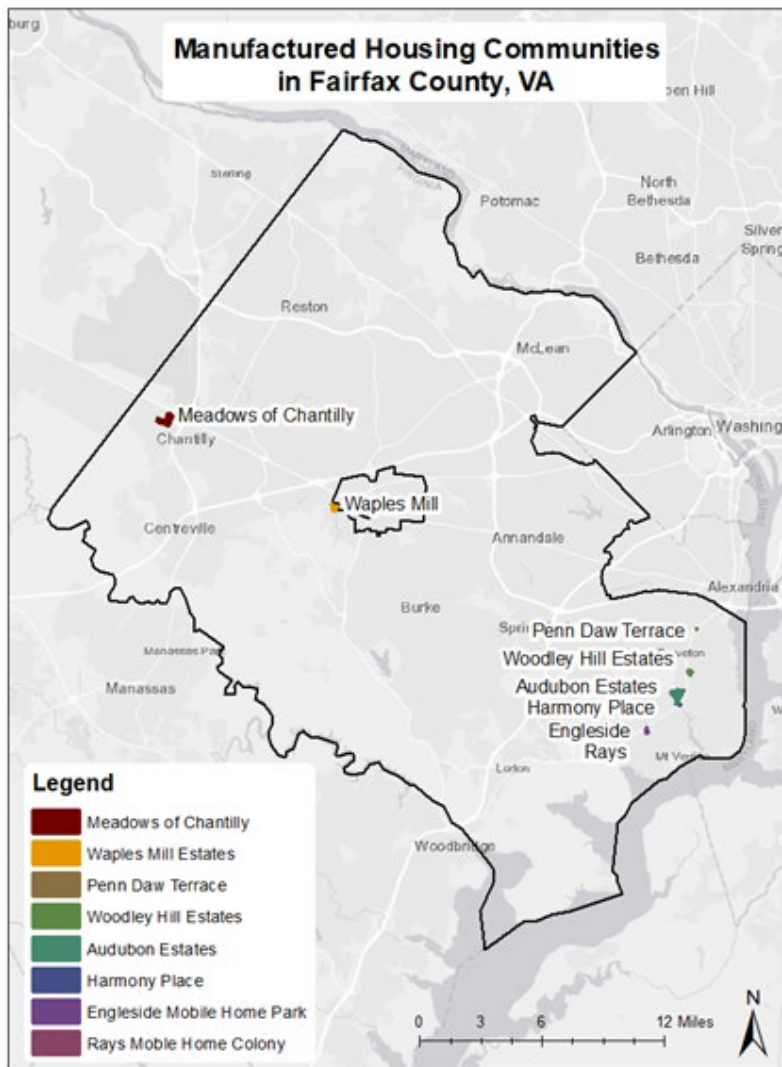


¹ Living Wage Calculator for Fairfax County, VA. Dr. Amy K. Glasmeier and the Massachusetts Institute of Technology. 2024. <https://livingwage.mit.edu/counties/51059>

² Fairfax County Five-Year Consolidated Plan for FY2022 – FY2026. Fairfax County, Va., page 8. <https://www.fairfaxcounty.gov/housing/sites/housing/files/Assets/documents/Consolidated%20Plan/5-Year%20Consolidated%20Plan%20-%20FY2022-2026.pdf>

One in five renters in the county are “severely cost burdened,” meaning they pay more than 50 percent of their income for housing and often make difficult choices among necessities. By 2034, over 18,000 new housing units will be needed for households earning less than 80 percent of the AMI. At the same time, wage growth is not keeping pace with the cost of and demand for housing and families, particularly those that would be considered low- or moderate-income (LMI), who are falling further behind. The economic viability of Fairfax County is at stake, as evidenced by Fairfax County’s *2015 Strategic Plan to Facilitate the Economic Success of Fairfax County*.³ Furthermore, the lack of a range of affordable, accessible housing in the county hinders the full implementation of the county’s One Fairfax policy racial and social equity

Figure 3: Manufactured Housing Communities in Fairfax County, VA



policy, which calls for equitable access to communities of high opportunity.

Fairfax County affirms Manufactured Housing Communities (MHCs) as an important source of affordable housing in the county. The county has eight existing MHCs, containing approximately 1,750 units.⁴ Six of the county’s eight MHCs (Penn Daw Terrace, Woodley Hill Estates, Audubon Estates, Harmony Place, Engleside Mobile Home Park, and Rays Mobile Home Colony) are along the historic Richmond Highway (U.S. Route 1) corridor. The other two, Meadows of Chantilly and Waples Mill Estates, are further west, in Chantilly and just outside of Fairfax City, respectively.

The Richmond Highway corridor is an area of disproportionate socioeconomic vulnerability in the county. Portions of

³ The Fairfax County Board of Supervisors’ Strategic Plan to Facilitate the Economic Success of Fairfax County. Fairfax County, Va. 2015. <https://www.fairfaxcounty.gov/economic-success/sites/economic-success/files/Assets/Documents/PDF/strategic-plan-facilitate-economic-success-2015.pdf>

⁴ Fairfax County Manufactured Housing Task Force – Recommendations Document. August 2022. [Manufactured Housing Task Force | Topics \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/manufactured-housing-task-force/)

Richmond Highway, including the Census Tracts where several of the MHCs are located, experience “Very High” levels of Vulnerability with high percentages of persons with low educational attainment, low English-speaking ability, and low-income occupations, as measured in the county’s Vulnerability Index.⁵

Further, the county is planning a new bus rapid transit (BRT) system along the Richmond Highway Corridor. The expected new development stemming from the BRT system on Richmond Highway and in Fairfax County generally will continue to increase redevelopment pressure on the value of the county’s MHCs and the residents who call them home. Additionally, the associated highway and infrastructure expansion is planned to displace manufactured housing units. The most recent sale of two adjacent MHCs – Rays and Engleside, which include 120 manufactured homes – demonstrates both the high land value and the resulting vulnerability of the affordability facing these communities, with pad sites traded at \$200,000 each, or \$24 million in total.

The MHCs across the county have different characteristics, zoning and tax classifications, and widely varying physical conditions. Five of the eight MHCs are non-conforming for zoning, as the MHCs are located on sites zoned and may develop as a matter-of-right for commercial and industrial uses, as has happened to other, former MHCs in the past. Three are planned for redevelopment into higher density development. Vulnerability to flooding and climate-related challenges, antiquated sewer, water, and electrical systems, and poor road, pedestrian and recreation facilities are common among the parks. In addition, many parks have large numbers of units in substandard conditions and need to be replaced, including nearly 300 homes that were manufactured in 1976 or earlier. Finally, most residents of the MHCs in Fairfax County have low incomes and are unable to compete for other housing options.

While people choose to live in MHCs for a wide variety of reasons, Fairfax County’s MHCs primarily serve as critical sources of affordable housing, largely for working families. However, these residents face many challenges and pressures including but not limited to the cost of land, the fear of displacement, the substandard condition of their homes, associated health and safety issues, and access to credit and traditional homeownership options. With the high cost of land, there are also redevelopment and gentrification pressures in several of the parks, as well as flooding issues, especially for two of the parks, Harmony Place and Audubon Estates. Residents also face nonconformity issues of their homes with current ordinances and regulations such as the Zoning Ordinance and floodplain regulations, due to changes in those ordinances over time.

Understanding and responding to the diverse challenges, needs, goals, and aspirations of residents is imperative to preserve the affordable housing opportunities that exist in MHCs. The challenges faced by the families living in MHCs require a new approach grounded in the principles of racial and social equity and characterized by encouraging residents to have more control over their housing and their economic future. To that end, Fairfax County has invested an unprecedented level of effort into understanding and responding to the needs of the MHCs. In 2021, the Fairfax County Board of Supervisors convened its Affordable Housing Preservation Task Force, which identified manufactured housing as an essential source of housing affordability in our community. At the recommendation of the preservation task force, the Board

⁵ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](https://arcgis.com).

then convened a Manufactured Housing Task Force (MHTF), inclusive of representatives of the ownership and residents of the county’s MHCs, to develop a plan to preserve the communities.

The work of the Fairfax County MHTF appears throughout this application and serves as the underpinning of the county’s approach to preserving the affordable housing opportunities that exist in these eight unique communities. The PRICE grant would accelerate services to these communities, furthering affordable housing preservation goals in Fairfax County, and implementing the recommendations of the county’s MHTF through the lens of racial and social equity.

Is your project within or does it include any communities that meet Distress Criteria?

Residents of the Manufactured Housing Communities (MHCs) in Fairfax County generally have lower incomes and higher poverty rates than other county residents. Data as defined by these distress criteria are presented at the larger scale (Census Block Group or Census Tract), which may dilute the conditions of the MHCs, especially in Fairfax County, which has a notably high cost of living and associated higher incomes overall. At the Census Block Group level, the communities meet the following distress criteria as defined in 12 CFR 1805.201 (b)(3)(ii)(D):

Table 1: Distress Criteria

MHC Name Address Census Tract & Group	Percent Population living in poverty (20%+) ⁶	Median Family Income (<\$123,760) ⁷	Un-employment Rate (>5.7%) ⁸	Low Income composition compared to US population ⁹
Audubon Estates , 7930 Audubon Ave, Alexandria, VA 22306	(14.5%)	Distressed (\$54,295)	(4.8%)	Distressed 73 rd percentile
Harmony Place 8018 Richmond Highway, Alexandria, VA 22306	(14.5%)	Distressed (\$54,295)	(4.8%)	Distressed 73 rd percentile
Engleside Mobile Home Park , 8500 Greenleaf Street, Alexandria, VA 22309	(11.4%)	Distressed (\$70,625)	(1.6%)	Distressed 75 th percentile
Rays Mobile Home Colony , 106 Denfield Dr, Alexandria, VA 22309	(11.4%)	Distressed (\$70,625)	(1.6%)	Distressed 75 th percentile
Penn Daw Terrace , 6240 Shields Ave, Alexandria, VA 22303	(4.1%)	Distressed (\$111,500)	(3.1%)	34 th percentile
Woodley Hill Estates , 2800-3008 Camellia Dr Alexandria, VA 22306	(18.6%)	Distressed (\$103,017)	(3.8%)	45 th percentile
Waples Mill Estates , 4308 Mobile Ct Fairfax, VA 22030	(4.6%)	(\$128,885)	(3.6%)	28 th percentile

⁶ Criteria: Percent of population living in poverty is at least 20%.

⁷ Criteria: Within a Metropolitan Area, the median family income shall be at or below 80% of the Metropolitan Area median family income or national Metropolitan area family income, whichever is greater. Median HH income for the Washington-Arlington-Alexandria MSA as of 2024 HUD Income is \$154,700. 80% of that is \$123,760.

⁸ Criteria: Areas with an unemployment rate at least 1.5 times the national unemployment rate. The National Unemployment Rate is 3.8% as of March 2024. 1.5 times that rate is 5.7%.

⁹ Percentiles are based on comparison to the United States population. (Higher # = higher vulnerability). Based on [US EPA EJ Screen](#).










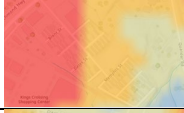
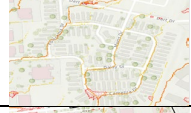





MHC Name Address Census Tract & Group	Percent Population living in poverty (20%+) ⁶	Median Family Income (<\$123,760) ⁷	Un-employment Rate (>5.7%) ⁸	Low Income composition compared to US population ⁹
Meadows of Chantilly , 4200 Airline Parkway, Chantilly, VA 20151	(7.4%)	Distressed (\$60,329)	Data unavailable	Distressed 92 nd percentile

Recently, a survey of the Harmony Place MHC was completed to better understand the living conditions and experiences of the residents. The survey provides a more refined understanding than the Census Tract. Harmony Place MHC is home to 84 households. Many Harmony Place residents have lived in the community for 10 years or more, and all are concerned about displacement due to the widening of Richmond Highway to accommodate the BRT. Recently, residents’ concerns were heightened due to news of the recent sale of the park. In addition to fear of displacement, residents are negatively affected by environmental and infrastructure issues. Two-thirds of the site is located in a flood plain, and years of deferred maintenance by the former park owner have contributed to deteriorating conditions within the park. A total of 62% of the resident households reported that they were “cost burdened,” paying more than 30% of their income for their pad rents.

Does your proposal increase resilience in any disaster-prone areas?

As detailed thoroughly in *Exhibit D: Soundness of Approach, Subfactor (b)(iii): Environment and Resilience*, two of the oldest MHCs in Fairfax County, Harmony Place and Audubon Estates, are directly within Federal Emergency Management Agency (FEMA) 100-year and 500-year floodplains and are severely flood-prone, although they are not designated as FEMA “Community Disaster Resilience Zones.” Swift water rescues, evacuations, and hospitalizations of residents of these communities have occurred during severe flooding events. Fairfax County is increasingly vulnerable to hazards such as flooding, severe storms, and heat. These hazards are being measurably exacerbated by both climate change and urbanization. Fairfax County’s MHCs are disproportionately vulnerable to these hazards due to physical location, reliance on lower-quality infrastructure, lower financial capacity, lower rates of health insurance, higher dependence on electrical medical devices, and lower English proficiency, which can limit access to warnings and guidance, and disproportionate employment in outdoor professions exposed to the elements, among other factors. Detailed data on climate vulnerabilities and projections in Fairfax County can be found in the [Climate Vulnerability and Risk Assessment](#), [Resilient Fairfax Interactive Map Viewer](#), [Resilience Dashboard](#), and [Climate Projections Report](#). A table summarizing climate vulnerabilities for the eight MHCs can be found below. The map views are from the [Resilient Fairfax Interactive Map Viewer](#).

Table 2: Summary of Mappable Hazard Vulnerabilities

Name Address	Flood Maps	Flood-Prone?	Heat Map	Avg. Land Temp ¹⁰	Medically reliant on power ¹¹
Audubon Estates 7930 Audubon Ave Alexandria, VA 22306		FEMA floodplain		99.2	136 people (in zip code)
Harmony Place Mobile Home Park 8018 Richmond Hwy. Alexandria, VA 22306		FEMA floodplain		98.2	136 people (in zip code)
Engleside Mobile Home Park 8500 Greenleaf Street, Alexandria, VA 22309		Urban flooding risk		100.4	107 people (in zip code)
Rays Mobile Home Colony 106 Denfield Dr Alexandria, VA 22309		Urban flooding risk		105.6	107 people (in zip code)
Penn Daw Terrace 6240 Shields Ave Alexandria, VA 22303		Urban flooding risk		99.9	43 people (in zip code)
Woodley Hill Estates 2800-3008 Camellia Dr Alexandria, VA 22306		Urban flooding risk		101.9	136 people (in zip code)
Waples Mill Estates 4308 Mobile Ct Fairfax, VA 22030		Urban flooding risk		102.8	215 people (in zip code)
Meadows of Chantilly 4200 Airline Parkway, Chantilly, VA 20151		FEMA floodplain; sumps		104.0	83 people (in zip code)

This proposal would increase resilience in disaster-prone areas through a menu of options that can include: enhanced access to flooding-related services, emergency guidance, elevation of critical equipment, flood sensor and alert systems, improving and/or relocating flood-prone structures, coordinating with utilities for power resilience, replacing pre-1976 structures with modern wind-resilient structures, cool pavements and/or resilient shade tree plantings, and planning for larger capital improvements such as stormwater infrastructure upgrades, among other options. Additional details on resilience components of this proposal, including

¹⁰ Average land surface temperatures during summers 2013-2020 via satellite. [Resilient Fairfax Map Viewer](#).

¹¹ Data on the number of Medicare beneficiaries who are medically reliant on electrical equipment (for whom power outages can be life-threatening) are available by zip code from the HHS here: <https://empowerprogram.hhs.gov/empowermap>

descriptions of each hazard and how this proposal seeks to address these vulnerabilities can be found in *Exhibit D: Soundness of Approach: Subfactor (b) (iii): Environment and Resilience*.

What are the barriers to manufactured housing preservation or revitalization in your project area?

A wide variety of barriers impede the successful preservation or revitalization of MHCs in Fairfax County:

Land values: Fairfax County, located just outside Washington, DC, has one of the highest costs of living in the nation. The high cost and low availability of land, slow pace of new housing development, and high demand puts our market out of reach for most low- and moderate-income (LMI) working families. The manufactured housing parks in the county serve as a crucial source of affordable, accessible housing for such families. However, the most recent sale of a manufactured housing community traded at \$200,000 per pad site – a total of approximately \$24 million. This is well out of reach for residents wishing to purchase and preserve their communities as affordable housing. These land prices are also beyond the means of Fairfax County’s robust affordable housing development industry to finance and compete with for-profit market developers positioning themselves for eventual redevelopment of the properties.

Constitutional authority: Virginia is a *Dillon Rule* state, meaning the local governments have only that authority which is specifically delegated to them by the General Assembly. In the case of MHCs, the enabling authority provides very limited opportunities for residents, localities, and affordable housing developers to intervene in a sale. MHC owners are only required to provide residents with 60-day notice when they accept an offer to purchase their property. Residents may submit a competing offer within the 60-day notice. State law only requires owners to “consider” such counteroffers, and there is no right of first refusal for localities or residents. Fairfax County has very recent experience with these limitations in the sales of both Harmony Place and Rays and Engleside MHCs. In the case of Harmony Place, the Fairfax County Redevelopment and Housing Authority (FCRHA), Catholics for Housing, and Tenants and Workers United (TWU) worked on behalf of the residents to submit a counteroffer when notified of the impending sale. The seller received the offer, “considered” it as required by law, and moved forward with the sale to a new owner. Had there been an enforceable right of first refusal, the residents might have been able to gain control of the property under their homes and preserve their community as committed affordable housing.

Lack of resident organization/self-governance/economic capacity: For many years, the remaining MHCs in Fairfax County were an afterthought relative to housing affordability. As a result, the county did not invest substantial effort in understanding and responding to the needs of residents in these communities. While the value the county places on these communities as affordable housing has changed dramatically in the last five years, the residents are only beginning to build the governance and infrastructure necessary to play a role in preserving their homes. TWU and Fairfax County have invested significant resources in understanding the needs of these communities and assisting the residents in organizing. However, the residents’ ability to understand and respond to the market pressures on the MHCs remains very limited.

The lack of available capital for residents to make competitive offers for their communities when they go up for sale is also a major barrier. In the case of the sale of Harmony Place, the county was able to assemble the approximately \$8 million necessary to make a counteroffer – about \$87,000 per pad. However, the county was unable to assist the residents in putting together the

funds to make a competitive offer for Rays and Engleside MHCs at a total of \$24 million, or \$200,000 per pad, as mentioned previously.

From a fair housing standpoint, the residents of Fairfax County's MHCs are largely low-income, linguistically isolated Latino families as discussed in ***Exhibit D Subfactor (b)(i): Project Description, Management, and Impact***. Homeownership comes with the responsibility of maintaining the home in a safe and healthy manner in addition to paying off loans and making monthly pad rental payments. These obligations can create hardships if owners have limited funds and need to balance competing demands for other necessities such as food, childcare, or healthcare. Often home maintenance becomes a lower priority, which can lead to regulatory/code non-compliance or safety issues that need to be addressed. MHCs residents are hardworking contributors to the local economy and are disproportionately impacted by the sale and potential redevelopment of these properties, as well as the multiple costs associated with owning a unit, renting the pad, and maintenance expenses.

EXHIBIT D: SOUNDNESS OF APPROACH (Maximum 50 points)

i. Subfactor (b)(i): Project Description, Management, and Impact (10 points)

What are your vision and goals?

Fairfax County envisions the PRICE Main grant will unlock the potential of residents within the county's eight MHCs in partnership with community owners, non-profit organizations, and Fairfax County government to preserve affordability, improve conditions, and empower voices of these communities, recognizing that all residents of these communities should have an equitable opportunity for success. This vision aligns with the County's goal of no net loss of affordable housing and broader principles of the county's One Fairfax Policy, a racial and social equity policy that is looking intentionally, comprehensively, and systematically at barriers that create gaps in opportunities for residents within the county. The vision is defined by recommendations of the county's Manufactured Housing Task Force (MHTF), which were accepted by the county's Board of Supervisors in 2021 but have lacked the resources necessary to fully implement. The MHTF, which intentionally brought together MHC residents, community owners, affordable housing advocates, and representatives of the county's planning commission and the Fairfax County Redevelopment and Housing Authority, were guided by the following goals, which would apply to the PRICE grant activities:

- *Preserve, through a variety of means, the affordability of manufactured housing units and communities recognizing that each faces unique circumstances and will require a tailored approach;*
- *Provide residents the opportunity to fully participate in and benefit from life in Fairfax County, including the policy decisions that directly impact their housing stability; and,*
- *Provide residents the opportunity to learn about their rights and limitations and provide community owners the opportunity to understand their responsibilities under the law.*

The MHTF identified actionable policy, procedural and regulatory improvements, which would be implemented through the PRICE Main grant.

This grant would be beneficial in serving these communities, furthering affordable housing preservation goals in Fairfax County, and implementing the recommendations of the MHTF. If awarded, funding would be used for the purposes of rehabilitation and replacement of existing units, infrastructure improvements, planning activities, resident and community services, resilience activities, and providing other assistance to manufactured housing tenants and homesite renters for land and site acquisition.

Description of MHC Sites

There are approximately 1,750 manufactured homes in Fairfax County within eight MHCs. Six of the eight MHCs are located along the Richmond Highway corridor (Penn Daw Terrace, Woodley Hill Estates, Audubon Estates, Harmony Place, Engleside Mobile Home Park, and Rays Mobile Home Colony). The MHC are both family-owned and owned by national organizations. MHCs owners participated in the MHTF, and it is the intent of Fairfax County to continue to work with and collaborate with MHC owners on the activities described in the grant application. Many of the activities are dependent on the cooperation and agreement of the MHC owners.

Figure 2: Audubon Estates with Floodplain



Audubon Estates is the largest MHC in the Fairfax County and located in Hybla Valley along Richmond Highway. **Number (No.) of Units:** 700. **Size:** 83.7 acres (ac.). **Address:** 7930 Audubon Ave, Alexandria, VA 22306. **Age:** Operating since at least 1972. **Ownership:** It is currently owned by Hometown Audubon LLC, based in Chicago, IL. **Flooding exposure:** There are an estimated 165 structures in the floodplain (see Figure 3). **Demographic and socioeconomic:**

Compared to the United States population, this site is in the 92nd percentile for people of color, 73rd percentile for low income, and 88th percentile for Limited English Speaking. The park is in Census Tract 4215, which is predominantly Hispanic or Latino (54%), Black or African American (29%), and Asian (12%). Audubon Estates is a documented area of “Very High” Vulnerability with approximately 71% of the population having low educational attainment, 22% severely rent burdened households, and 67% in low-income occupations.¹²

Figure 3: Harmony Place with Floodplain



Harmony Place Trailer Park is a long-standing MHC in the Richmond Highway corridor adjacent to Audubon Estates: **Address:** 8018 Richmond Highway, Alexandria, VA 22306. **No. of Units:** 91. **Size:** 5.26 ac. **Age:** Operating since at least 1953. **Ownership:** The community recently underwent an ownership change in 2021 when it was purchased by SRP Alexandria LLC. **Flooding exposure:** There are an estimated 61 structures in the floodplain (see Figure 4). **Demographic**

and socioeconomic: According to a survey of Harmony Place residents by Northern Virginia Affordable Housing Alliance (NVAHA) and Tenants and Workers United (TWU)²⁰, 93% of respondents identify as Hispanic or Latino. Most Harmony Place residents are long-term residents, with 56.6% having lived in Harmony Place for 5 or more years, and 33% for more than 10 years. Most residents own their homes and rent the pads, although many (39.47%) lack a written lease agreement. At least 62.12% of survey respondents are housing cost-burdened, and more than half were unable to pay for necessities. The residents’ top concerns include high cost of housing, quality of streets, displacement, and flooding. Harmony Place is also located within Census Tract 4215 which is also predominantly Hispanic or Latino (54%), Black or African American (29%), and Asian (12%).

¹² Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](https://www.fairfaxcounty.gov/arcgis/index.html).

Engleside Mobile Home Park and Rays Mobile Home Colony are adjacent MHCs in the Richmond Highway Corridor. **Address:** 8500 Greenleaf Street (Engleside) and 106 Denfield Drive (Rays), Alexandria, VA 22309 **No. of Units:** 120. **Size:** 4.25 ac. (Engleside) and 4.23 ac. (Rays). **Age:** Operating since at least 1945 (Engleside) and 1961 (Rays). **Ownership:** (For both): Alexandria MHP, LLC (California). **Demographic and socioeconomic:** These MHCs are located in Census Tract 4160, which is characterized by Hispanic or Latino (25%), Black or African American (26%), and Asian (11%). The Census Tract is a documented area of “Very High” Vulnerability with approximately 52% of the population having low educational attainment, 32% severely rent burdened households, and 44% in low-income occupations. ¹³

Penn Daw Terrace. **Address:** 6240 Shields Ave, Alexandria, VA 22303. **No. of Units:** 90. **Size:** 8.02 ac. **Age:** Operating since at least 1957. **Ownership:** Bradley-Epps Lisa Marie Trust. **Demographic and socioeconomic:** This MHC is located in Census Tract 4151, which is characterized by Hispanic or Latino (23%), Black or African American (9%), and Asian (6%). The Census Tract is a documented area of “Low” Vulnerability with approximately 40% of the population having low educational attainment, 32% severely rent burdened households, and 33% in low-income occupations. ¹⁴

Woodley Hills Estates. **Address:** 2800-3008 Camellia Dr., Alexandria VA 22306. **No. of Units:** 115. **Size:** 13.8 ac. **Age:** Operating since 1991. **Ownership:** Fairfax County Redevelopment and Housing Authority. **Demographic and socioeconomic:** This MHC is located in Census Tract 4154.01, which is characterized by Hispanic or Latino (33%), Black or African American (35%), and Asian (11%). The Census Tract is a documented area of “Very High” Vulnerability with approximately 74% of the population having low educational attainment, 56% severely rent burdened households, and 63% in low-income occupations. ¹⁵

Waples Mill Estates. **Address:** 4308 Mobile Ct., Fairfax, VA 22030. **Size:** 25.6 ac. **Age:** Operating since at least 1960. **No. of Units:** 152. **Ownership:** Waples Project LP. **Demographic and socioeconomic:** This MHC is located in Census Tract 4406, which is characterized by Hispanic or Latino (22%), Black or African American (5%), and Asian (26%). The Census Tract is a documented area of “Average” Vulnerability with approximately 40% of the population having low educational attainment, 58% severely rent burdened households, and 32% in low-income occupations. ¹⁶

Meadows of Chantilly. **Address:** 4200 Airline Parkway, Chantilly VA 20151. **No. of Units:** 490. **Size:** 81.1 ac. **Age:** Operating since at least 1970. **Ownership:** MHC Meadows of Chantilly LLC. **Demographic and socioeconomic:** This MHC is located in Census Tract 4901.04, which is characterized by Hispanic or Latino (44%), Black or African American (4%), and Asian (13%). The Census Tract is a documented area of “High” Vulnerability with approximately 58%

¹³ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

¹⁴ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

¹⁵ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

¹⁶ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

of the population having low educational attainment, 14% severely rent burdened households, and 50% in low-income occupations.¹⁷

Which eligible activities will you use to address the need(s) described in Factor (a)?

Each PRICE activity proposed will meet a CDBG national objective pursuant to Section 101(c) of the Housing and Community Development Act of 1974 by benefiting low- to moderate-income (LMI) households and meeting an urgent need. The activities that the county would undertake are divided into six main focus areas: understanding community needs and preserving and revitalization of MHCs through repair, rehabilitation, and replacement of units; assessing and improving infrastructure; development activities; resilience and mitigation activities; housing and voluntary supportive service activities to benefit new and existing MHC residents; and planning and regulatory activities to preserve and enhance neighborhood livability within MHCs. These focus areas will be designed to maximize access to homeownership by participants of color and those currently owning manufactured homes.

1. Understanding Community Needs; Preserving and Revitalizing Communities:

The following activities will be supported by the PRICE Main funds to provide a range of services to assist MHCs residents in stabilizing their housing and becoming more economically empowered.

1.1 Community Surveys and Affordability Analyses

The PRICE Main funds will be used to develop and conduct community surveys to gather information about the challenges and potential improvements in each manufactured housing community as defined by the residents and owners, building off the previously conducted survey of the Harmony Place. The surveys may seek concerns about the on-site maintenance and the condition of the units within the site. The survey may also indicate improvements needed to individual units and infrastructure improvements needed in the community at large. Further, the survey may be used to gather resilience-related information, including both specific site vulnerabilities and feedback on which resilience-related strategies (i.e., flood risk reduction and heat risk reduction options) that the community may support. Using PRICE funds, Fairfax County will survey the MHCs, staggered in a cycle. Surveys will be conducted with the assistance of community partners and driven by community residents. The resulting data will be analyzed and shared with the community, community owners, and policymakers, including the county's Board of Supervisors.

In addition, the grant will be used for bi-annual analyses to identify the affordability levels of the MHCs and measure changes over time. The survey will use data analysis and an equity lens to proactively and intentionally determine the affordability of the MHCs to LMI households (households with incomes at 60% AMI and below). If an MHC is being considered for redevelopment, the data also can be used toward an "affordability analysis" to be conducted as part of the entitlement process to identify communities/households that may be adversely impacted by the redevelopment and possible means to mitigate those impacts.

1.2 Grant/Loan Programs for Home Improvements, Rehabilitation, and Replacement

¹⁷ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](https://arcgis.com).

Using PRICE Main competition funds, the Fairfax County Redevelopment and Housing Authority (FCRHA) will initiate a grant program for owners of manufactured homes to address critical maintenance issues in their homes. The grant funding could be used, for example, for electrical and plumbing upgrades and repairs or for safety improvements. The program is envisioned to start as a pilot for the Harmony Place residents and be operated by a nonprofit organization with experience in providing single-family repair services and expand throughout the other seven MHCs. Projects will benefit households with income at or below 60 percent of the area medium income as defined by the U.S. Department of Housing and Community Development (HUD) for the Washington, DC Metropolitan Area.

A loan program is also envisioned to be established and administered through the FCRHA for the complete replacement of units. At least 230 units across the county were built prior to 1976, and more than 500 are over 40 years old. Coupled with the damage caused by poor or limited maintenance and environmental hazards, such as flooding, a greater number of units will need to be replaced. Using PRICE Main funds, the county will establish a loan program to replace units that were either constructed prior to 1976 or where deteriorated conditions warrant replacement rather than rehabilitation. The loan program could be modeled on previous homebuyer and home improvement programs implemented by the county, which a) provided a pathway to affordable homeownership for LMI households, and b) helped LMI families make the repairs they needed to stay in their homes.

Additionally, county government staff may, as appropriate, assist MHC residents in applying for and obtaining grant funding for resilience-related needs. This may include assistance in accessing funding from the Flood Mitigation Assistance Program (FMAP), which is administered by the Northern Virginia Soil and Water Conservation District (NVSWCD). The FMAP program provides reimbursements up to \$5,000 for small flood-proofing measures such as sump pumps, elevation of equipment, and flood-resilient materials.

2. Infrastructure Improvements:

2.1 Community Infrastructure Conditions Assessment

Underinvestment in infrastructure is a critical threat to some MHCs in Fairfax County. The infrastructure systems in many MHCs date back decades, and sewer, water, stormwater, and electrical systems are often beyond their anticipated useful life. In addition, some of the existing MHC are partially located within a mapped floodplain. There is a recognized need to provide long term investment in community infrastructure to ensure health and safety of the residents.

Similar to recent work at Harmony Place, Fairfax County and the FCRHA, in cooperative working relationships with property owners, will use PRICE Main grant funds to contract with a qualified firm with expertise in review of site, floodplain and utility conditions. The purpose of this work will be to provide an overall infrastructure assessment of the eight identified MHCs and the common area improvements needed for each community to promote health, safety, and welfare for residents in each community with a focus on livability and accessibility. Many of these utilities are in easements and may have public rights to access. The condition assessments will also provide an estimated cost for the types of repairs needed to help gauge the potential financial resources that may be required. The work will leverage existing and prior conditions assessments, such as the 2021 Harmony Place site and infrastructure assessment conducted.

Inspections may also include a general assessment of the exterior condition of units within the

community as a way to assess overall financial viability. The community surveys (described in focus area 1), will include resident concerns with the maintenance provided by the MHC owner and the condition of the units within the site. The survey may also be an opportunity for residents to voluntarily indicate areas of improvement for individual units and the community. A template for how this may be for all of the communities was recently completed for the Harmony Place community, as stated previously.

2.2 Support for MHC Owners for Infrastructure Improvements

Using PRICE Main grant funds, the county through the FCRHA will explore providing financial support to owners of MHC to make infrastructure and other critical improvements to their properties. Such support will be in the form of a loan from the FCRHA, in a manner similar to the FCRHA's work with affordable housing developers. The loans will be dependent on the owner providing affordability guarantees and a right of first refusal for the residents or the FCRHA to purchase the property in the event it is sold. Fairfax County should also maintain a comprehensive list of financial support from all sources, including from the state and local government. The FCRHA will also provide educational and technical support in the form of understanding code requirements and regulations for manufactured housing as addressed in a subsequent section – Code Compliance and Community Quality.

3. Manufactured Housing Development Activities:

3.1 Support Community Residents and/or Partners in Acquiring Communities; Community Land Trusts

With the high land values in the county, MHCs have experienced sales and potential redevelopment plans. If these move forward, residents may face rent increases or losing their manufactured homes, when the home cannot be relocated, and their communities. Losing their community has a high social and economic impact on residents. Using the PRICE Main grant as a source of acquisition capital, residents may have access to funding to assist in purchasing the land under their homes and participate in management of the park. As an example, although unsuccessful in the purchase, the efforts by the residents of Harmony Place, Tenants and Workers United, Catholics for Housing, the FCRHA, and Fairfax County in 2021 provide a template for assisting residents of MHCs in purchasing the land under their homes. The Harmony Place experience could be used as a model in future situations where a property is for sale and the residents would like to organize and make an offer to purchase. The county encourages nonprofit organizations to engage and collaborate with residents of MHCs. Other creative models that may be considered include the use of Community Land Trusts for the preservation of the MHCs, redeveloping MHCs with affordable replacement housing, and the creation of affordable homeownership opportunities.

4. Mitigation and Resilience Activities

As detailed in *Exhibit D: Soundness of Approach: Subfactor (b)(iii) Environment and Resilience*, PRICE funds may be used to enhance resilience to flooding, severe storms, and heat.

4.1 Flood Resilience Activities

Flood resilience options include flood sensors and warning systems; flood-resilience education, resources and contacts; expanded access to assistance navigating flooding-related services such as the Flood Mitigation Assistance Program (FMAP) and Conservation Assistance Program (CAP); elevation of critical equipment above base flood elevation; replacement of flood-

damaged units erected prior to 1976; removal of debris and other stormwater blockages; and upgrades using flood-resilient materials. Additionally, the grant may be used towards studies and analyses to plan for larger-scale capital improvements, potential land acquisition, or elevation or relocation of units to reduce flood risk.

4.2 Wind and Storm Resilience Activities

The PRICE Main grant may be used for wind and storm resilience options include utility coordination with Dominion Energy for power resilience upgrades; storm-related emergency preparedness resources and guidance; small back-up power sources for those who are medically reliant on electric devices; and replacement of pre-1976 units with modern units that meet modern wind resilience standards. Additionally, planning and analyses for larger-scale future improvements may include planning for possible storm shelters or tornado rooms.

4.3 Heat Resilience Activities

Heat resilience options include enhanced access to heat services such as cooling assistance and cooling centers, heat emergency contacts and guidance; tree plantings; energy efficiency upgrades; and cool pavers, as detailed in *Exhibit D. Subfactor (b)(iii)*.

5. Housing and voluntary supportive service activities that support new and existing residents of MHCs:

5.1 Early Warning for Households at Risk of Facing Eviction Due to Non-Payment of Rent

The PRICE Main grant can be used to create an early warning system for households at risk of eviction due to non-payment of rent. The warning system will proactively create outreach channels to manufactured housing park owners to inquire about delinquencies and connect landlords and tenants to the county's Department of Neighborhood and Community Services (NCS) programs and services such as Eviction Prevention Program and Economic Mobility Partners before an eviction action is filed against them. Similarly, using the system, landlords can proactively contact the aforementioned NCS programs to alert them to delinquencies before filing any eviction action.

5.2 Management Practices

Management practices vary among the MHC in the county. Some MHCs continue to face challenges, such as fear of retaliatory actions against residents who raise concerns. The county, in consultation with all stakeholders, will use the PRICE grant to create guidelines for standards of conduct based on best practices for MHC management.

5.3 Relocation and Downpayment Assistance

Current laws provide limited compensation for assistance for relocation expenses. Through the PRICE Main, relocation and downpayment assistance may be offered for payments and assistance to displaced residents, such as those who are projected to be displaced by the upcoming Richmond Highway and BRT road improvements, and those residents who may wish to be relocated within the sites to reduce flooding risk. Assistance may include providing relocation advisory services, temporary and/or permanent relocation assistance, paying applicable costs to relocate eligible MHC residents into more traditional forms of homeownership with long-term affordability.

6. Planning and Regulatory Activities Around Manufactured Housing Residents and

MHCs:

6.1 Comprehensive Plan and Zoning Ordinance Amendments

Increasing land values in Fairfax County can make MHCs targets for rent increases and redevelopment. Some MHCs do not meet current ordinances and regulations such as the Zoning Ordinance or floodplain regulations. The PRICE Main grant can be used to support comprehensive plan and zoning ordinance amendment activities, especially community engagement activities, to better address the needs of the MHCs. The grant may be used to consider amendments to the current Comprehensive Plan to consider incorporating the county's commitment to maintaining and improving the quality of MHCs as sources of affordable housing or, if redevelopment is planned, strategies for achieving the goal of no net loss of the affordability of units through replacement options and other county incentives.

Similarly, updating the county's Zoning Ordinance may be considered through the PRICE grant as a means to assist in maintaining the viability of such communities. The existing MHCs were established under prior Zoning Ordinances and are nonconforming either because they are zoned to a commercial or industrial district, where manufactured home parks are not permitted, or, if zoned to the R-MHP (Residential, Manufactured Home Park) District, do not meet the R-MHP minimum district size (15 acres), open space (20 percent of the gross area), setbacks between units or because they exceed the maximum density (6 du/ac). In addition, some of the existing MHCs are located partially within mapped floodplains. The grant may be used to consider amendments to the current R-MHP Zoning District to review setback requirements and to address the nonconforming status of these "legacy" communities, such as providing opportunities to permit the construction of porches, decks and other accessory structures, or creating a special exception process for MHCs to address the regulatory issues.

6.2 Review of the Code Requirements and Regulations for Manufactured Housing Communities

A clear understanding of all the federal, state, and local governing codes and regulations is required to truly understand the applicability of each to MHCs. The PRICE Main grant will be used to conduct a comprehensive review of the applicable codes and regulations at the local, state, and federal level to understand the code requirements, enforcement mechanisms, responsible parties, and complaint processes for both manufactured homes and MHCs. Initiatives and best practices by other local communities on code and enforcement for the construction, location, installation, use and maintenance of manufactured homes also may be studied.

From this review, a comprehensive list of codes, regulations, and resources for MHCs at the local, state, and federal levels can be made available to manufactured homeowners, tenants, and MHC owners. Additional informational and educational materials on regulatory policy and procedures for manufactured home property/site owners, unit owners, and renters can be developed and included at outreach and education at community meetings and events. It is important to determine the condition of the MHCs and develop a menu of the most common code violations, needed repairs and associated costs.

6.4 Resolving Code Violations and Creating a Reserve Fund for Compliance Support

There are known code violations at MHCs that are currently being processed by the county's Department of Code Compliance. County agencies will work collaboratively with each other and with property owners to help resolve these violations, especially for issues that are a threat to

health and safety. The PRICE Main grant may be used to develop an informed reserve fund based upon the current stock of manufactured homes in the county, the most common code violations, needed repairs, and associated costs. The funds may be used to assist with resolution of the issues, similar to the grant/loan program discussed for home improvements in focus area 1.2. Staff will develop procedures for allocating funds including communications on funding availability and the method for obtaining and using the funds.

What is your timeline and key tasks along that timeline?

Key Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Understanding Community Needs; Preserving and Revitalizing Communities:						
1.1 Community Surveys and Affordability Analyses	X	X	X	X	X	X
1.2 Home Improvements, Rehabilitation, and Replacement Programs	X	X	X	X		
2. Infrastructure Improvements						
2.1 Conditions Assessment	X	X	X	X		
2.2 MHC Improvements	X	X	X	X	X	X
3. Development Activities						
3.1 Land Acquisition; CLTs	X	X	X	X	X	X
4. Mitigation and Resilience Activities						
4.1 Flood Resilience Activities, such as: flood-proofing funding, flood service improvements, and aid; guidance and education; sensors and warning systems; elevation of critical equipment and units; flood resilient materials and replacements; and planning and analysis for capital projects and acquisition	X	X	X	X	X	X
4.2 Wind Resilience Activities, such as: utility coordination for power resilience; wind-resilient materials; education and guidance; and planning for storm shelters	X	X	X	X	X	X
4.3 Heat Resilience Activities, such as: heat-related services such as Cooling Assistance; guidance on heat-related protocols and Cooling Centers; cool	X	X	X	X	X	X

Key Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
pavements; planting of shade trees; and energy efficiency upgrades						
5. Supportive Services						
5.1 Early Warnings for Households at Risk of Eviction	X	X	X	X	X	X
5.2 Eviction Prevention and Management Practices	X	X	X	X	X	X
5.3 Relocation and Downpayment Assistance	X	X	X	X	X	X
6.Planning and Regulatory Activities						
6.1 Comprehensive Planning and Zoning Ordinance Amendments	X	X	X	X	X	
6.2 Review of Code Requirements and Regulations for MHCs	X	X				
6.3 Code Resolution and Code Compliance Reserve Fund for Code/Utility Compliance Support	X	X	X	X		

The previously outlined activities will have separate and often overlapping timelines. Fairfax County has committed a new Manufactured Housing Coordinator staff position to oversee the body of work and manage the different activities, interagency coordination, and community engagement. The PRICE Main grant can unlock the potential to accomplish the work. There are several priority areas where the work will begin immediately upon funding. For example, the community needs and affordability surveys and conditions assessments are essential to gain an understanding of the needs of residents and to determine conditions of the communities and improvements needed. The results will lay the foundation for other activities. These surveys will involve the support from residents and community partners to design and conduct the work and are estimated to take a few months to set up, distribute, and collect data.

What is your budget?

The budget for the PRICE Main activities described in the grant application is at least approximately \$48,050,000, with the PRICE application requesting \$39,550,000 and \$8,500,000 of match and leverage funds, as detailed in *Exhibit F: Match or Leverage*. The largest portion of the PRICE grant (\$23,950,000) will be used for the “Understanding Community Needs and Preserving and Revitalizing Communities” category. As mentioned in previous sections, over 230 manufactured homes were constructed prior to 1976. A maximum of \$15,000,000 will be spent to replace these homes. The removal and replacement of units may cost up to \$150,000 per unit in Fairfax County because of the level of deterioration and potential need for demolition and removal of the unit, in addition to the cost of the new unit and its installation.

At least an additional 620 homes are 30 years old and built after 1976. Many of these homes have deferred maintenance, are non-conforming with current zoning regulations, and will require financial assistance to complete the improvements. Another \$8,750,000 will be directed toward

rehabilitation of homes. The rehabilitation and replacement work will be supported through revolving community needs surveys to gain information about the scale of the improvements. The survey work is budgeted for \$200,000 to develop and distribute over the period of performance. The county has dedicated nearly \$500,000 of CDBG funds to complement the proposed PRICE amount. Related supportive services including relocation and downpayment assistance involved in such activities as the rehabilitation and replacement work and eviction prevention services, are budgeted for up to \$650,000. Additional planning and regulatory activities are calculated up to \$2,250,000.

A maximum of \$3,000,000 from the PRICE application will be dedicated to infrastructure improvements, which will include both conditions assessments for the MHCs and the improvements. \$10,050,000 will be committed to supporting land acquisition (\$6,500,000), including voluntary buyouts and residents who are seeking to buy their communities, and mitigation and resilience activities (\$3,550,000). Flood mitigation and resilience activities may include expanding access to flooding-related services such as the Flood Mitigation Assistance Program (FMAP) and Conservation Assistance Program (FMAP), flooding guidance and education, flooding warning systems, flood-resilient materials and replacements, and planning and analysis for capital projects and acquisition. Wind Resilience and mitigation activities may include utility coordination for power resilience, wind resilient materials, and planning for storm shelters. Resilience and mitigation activities for heat resilience activities may include expanding access to heat-related services such as cooling assistance and cooling centers, cool pavement and cool roof installations, planting of shade trees, and energy efficiency upgrades.

County staff are prepared to use PRICE Main funding for any of the possible resilience options listed above. Specific options will be selected in coordination with the MHC property owners and residents. PRICE Main is pivotal to implementing the activities outlined in this application. Without PRICE funds, the execution of these activities will be spread over longer timeframes, risking further housing instability and environmental hazard effects for MHC residents.

What are the projected impacts of your activities if implemented?

It is anticipated that a significant number of manufactured housing owners will have their units improved or replaced, and that the affordability that exists in the MHCs will be preserved to the greatest extent possible. Homebuyer resources fund will offer owners of manufactured homes a version of affordable homeownership that affords true wealth-building opportunities. It is anticipated that this will contribute to overcoming the barriers to homeownership faced by people of color in the county.

In addition, local leaders will be better informed of the needs of residents and owners of MHCs, and appropriate resources provided to ensure housing stability and resilience to natural hazards. The county will gain an in-depth understanding of the needs of the residents of MHCs to assist them more effectively with community improvement needs, displacement challenges, and resiliency efforts. The activities will identify and implement to the extent possible solutions to resolve environmental hazards. The process to understanding and address community needs will be centered around the principle that the residents' voice in partnership with the community owner.

On a case-by-case basis, land use policies and regulation may be modified to further support preservation and neighborhood livability within MHCs. The activities will clarify Comprehensive Plan language and update the Zoning Ordinance to help facilitate the

preservation of MHCs and/or their long-term affordability. The compilation of local, state, and federal codes that apply to MHCs, both the units and the sites will increase knowledge about safe and healthy living conditions for the residents and assist unit owners in accessing information and complying with code requirements. Code compliance will enhance resident safety and community quality.

From a climate resilience perspective, the proposed activities would enable the residents of the MHCs to better withstand and “bounce back” from intensifying climatic shocks and stressors including flooding, extreme heat, and severe storms. Most importantly, resilience activities will help to protect the residents from permanent loss of life and possessions. Day-to-day, the resilience improvements will also improve the quality of life and comfort of residents. They will also alleviate the financial burden on residents who may not otherwise be aware of or have access to flood-proofing services, cooling assistance for air conditioning bills, energy efficiency services, and replacement of damaged property. Additionally, boosting the resilience of the MHCs to climate hazards helps to ensure that the MHCs can be preserved as a long-lasting source of affordable housing in the county, rather than being too thoroughly damaged or destroyed over time by intensifying and repeated climate conditions.

ii. Subfactor (b)(ii): Affordability and Equity (15 points)

How will you ensure the availability of affordable manufactured housing options to LMI households?

PRICE grant funding would provide Fairfax County with a targeted pool of funding to assist in providing MHC residents with long-term affordability and stability, and thus helping residents build wealth and financial security. The residents of MHCs are disproportionately LMI households that may face difficulties finding other forms of housing in Fairfax County. Affordability for LMI households residing in MHCs may come in the form of restricted pad rents, resident land ownership, or alternatives to manufactured housing such as more “conventional” affordable homeownership – all depending on the types of opportunities that present themselves in the market.

Restricting the rent for pads to levels that are affordable for residents will ensure continued affordability that is consistent and predictable. When providing financial assistance to a project the FCRHA requires a minimum of 30 years of affordability through a Land Use Restriction Agreement or Ground Lease. The goal for any MHC receiving assistance would be to preserve affordability in perpetuity. The FCRHA also requires Rights of First Refusal on properties that receive support and utilizes these rights to re-negotiate extended affordability beyond the scope of an original agreement. Restricting rents long-term assists residents in wealth-building by providing stability and consistency that likely does not occur when pad rents are market rate. The ability to save money and build wealth depends on having stable housing that is affordable and allows the household room in their budget to achieve financial success.

Ownership of the land that MHC residents would otherwise rent provides another option for long-term affordability and stability, enabling residents to build wealth and achieve financial security. Opportunities to purchase individually or via other means may arise quickly and require funding on-hand to be able to execute. One mechanism that has been contemplated as a potential vehicle for homeownership is the formation of Community Land Trusts when an opportunity to purchase an MHC arises. This solution entails the residents forming a group at the earliest opportunity, with help from Fairfax County, to purchase the land under their homes and

participate in the management of the community. The PRICE grant would provide Fairfax County funding to residents who wish to own the land under their home when an opportunity arises to do so, thereby ensuring self-governance of the property and long-term affordability.

The grant program for home rehabilitation and improvements, anticipated to be piloted first at Harmony Plan, is another vehicle to assisting LMI households within MHCs in achieving improved financial security. Over 500 of the existing manufactured homes in Fairfax County are 40 or more years old, and thus likely require structural improvements that may be costly for residents. Assisting residents with improvements through grants will help alleviate the burden that comes with home repairs. The PRICE grant would fund this important grant program that will help relieve some of the financial burden that comes with owning an aging home.

In Fairfax County, residents of MHCs are disproportionately LMI earners and members of vulnerable populations. Providing targeted funding for MHCs through the PRICE grant enables Fairfax County to support those who are in the greatest need of assistance in building wealth, overcoming historic barriers to services and financial support, and achieving financial security. Relieving rent burden, providing homeownership opportunities, and assisting with costly repairs are important mechanisms of providing such assistance.

What protections will be in place for residents?

The MHCs within Fairfax County, with the exception of Woodley Hills, are privately owned and therefore subject to the rules and regulations put in place by the property owners. Where PRICE grant funding or other FCRHA funding is utilized to purchase MHCs or provide loans to MHC owners, tenant protections will be put in place including commitments to affordability levels and stable increases, as well as a right of first refusal for the residents or the FCRHA to purchase the property in the event it is sold. In the case of the FCRHA purchasing and operating additional MHCs (the FCRHA currently owns Woodley Hills Estates), tenant protections that the FCRHA currently utilizes for its properties will be applied. Various tenant procedures in place by the FCRHA meet or exceed the [Fannie Mae](#) and [Freddie Mac](#) tenant protections. Residents of FCRHA-owned properties are subject to one-year leases, as advised by Fannie Mae and Freddie Mac. Residents have a seven-day grace period for late rent payments, which exceeds this guidance. Additional tenant protections specific to manufactured homes will be applied similarly to the community currently owned by the FCRHA, Woodley Hills Estates. The procedures for tenant leases at Woodley Hills meet or exceed the provisions set forth in the Virginia Manufactured Home [Lot Rental Act](#).

HCD is currently updating the Fairfax County Relocation Guidelines to conform with federal relocation guidelines. The guidelines will include provisions for fair market value that mirror those set by HUD. These relocation guidelines will be applicable to residents of MHCs in the county by informing any Resident Displacement Plans that are created to inform potential displacement due to eminent domain, natural disaster, hazardous conditions or redevelopment.

How does your proposal encourage access to resources and financing, especially for underserved communities and persons?

The Fairfax County Redevelopment and Housing Authority (FCRHA) is the county's local housing finance agency and has decades of experience providing LMI families with access to financing and other resources to secure and maintain affordable homeownership. The PRICE grant will provide Fairfax County and the FCRHA with the resources it needs to better

understand and serve the unique needs and vulnerabilities of the county’s MHC residents. It should be noted that the residents of Fairfax County’s MHCs tend to be low- income households, many of which have both language and educational barriers to economic success.

Surveys will be done in accordance with the methodology used for a community survey done at Harmony Place, which utilized community partners and was driven by community residents. The surveys should include any updates to the methodology based on lessons learned from Harmony Place. This robust community survey will help HCD staff gain an in-depth understanding of needs of the MHC residents. Surveys will seek to gain information that will assist staff in providing resources specific to the needs of the residents and prioritizing assistance based on the greatest needs. Staff will gain a further understanding of population vulnerabilities including disabilities, poverty levels and needs for services including those targeted for transportation, financial assistance, and/or health.

Fairfax County works with a robust array of non-profit groups that may be able to assist in providing necessary services to residents in need. Critically, the county is hiring a dedicated Manufactured Housing Coordinator to provide direct intervention for the needs of the MHCs and their residents and will serve as the manager of programs funded by the PRICE grant.

As a public housing agency (PHA), the FCRHA also has long experience in promoting economic opportunities for low-income households, in furtherance of our obligations under Section 3. The FCRHA is fully compliant with all requirements under Section 3, and along with Fairfax County is committed to providing opportunities for economic advancement to such households. One recent example of the FCRHA’s commitment to promoting economic advancements for its low- and moderate-income residents is its new scholarship program, which provides up to \$5,000 per year for up to ten eligible residents of the FCRHA’s properties.

iii. Subfactor (b)(iii): Environment and Resilience (15 points)

What significant hazards could impact your project site(s)?

The top hazards that impact the project sites are flooding, severe storms and wind, and extreme heat. This section describes those hazards. To reduce duplication, a description of activities to enhance resilience to these hazards is in the next section:

“How will your activities address the current and future threat of natural hazards, extreme weather, and disaster event?” Additional information can also be found in **Exhibit D: Need: Does your proposal increase resilience in any disaster-prone areas?**

Flooding Vulnerabilities:

Flooding is the top climate-related vulnerability in Fairfax County, due to high exposure, high sensitivity, and poor adaptative capacity of populations and infrastructure.¹⁸ Two of the oldest MHCs in Fairfax County, Harmony Place and Audubon Estates, are located directly within Federal Emergency

Figure 4: Harmony Place Flooding July 2019



¹⁸ [Resilient Fairfax – Vulnerability and Risk Assessment \(VRA\) 2022 \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/resilient-fairfax)

Management Agency (FEMA) 100-year and 500-year floodplains and are severely flood-prone. Between these two MHCs, there are an estimated 200 address points and 229 buildings that are within FEMA Special Flood Hazard Area Zone AE, FEMA Zone X, or County Recorded floodplains. This has led to a history of serious flooding issues that required evacuation of multiple residences.



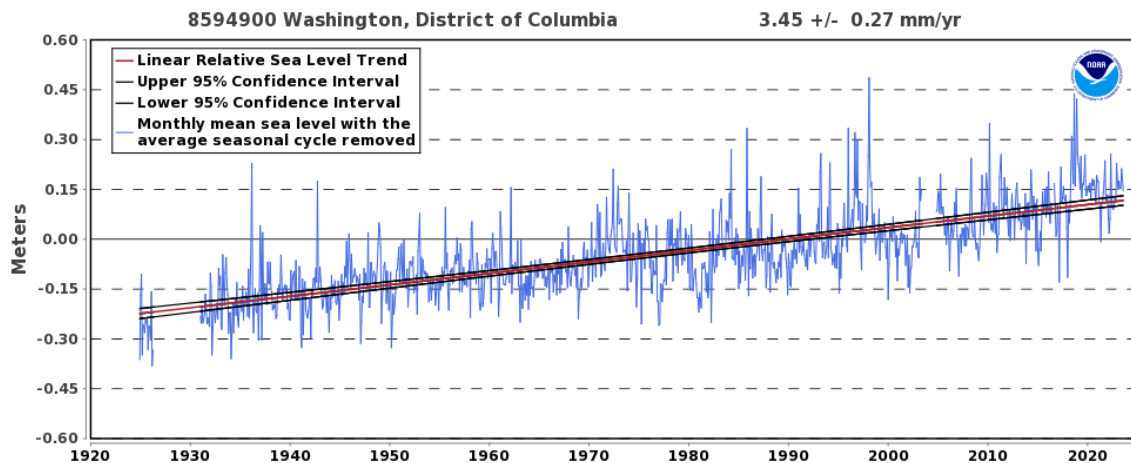
Figure 5: Audubon and Harmony Place MHCs in relation to the floodplain.



Figure 6: Fairfax County Fire and Rescue at Harmony Place July 2019

The flooding issues at Harmony Place and Audubon are projected to worsen. Floodplain flooding is increasing in Fairfax County due to the rise of the Potomac River and associated tidal water bodies, which are affected by sea level. The Potomac River has risen 13.56 inches since 1924.¹⁹ An additional one to three feet of sea level rise is projected by 2050.²⁰

Figure 7: NOAA Washington DC Tide Gauge Measured Sea Level



¹⁹ https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=8594900

²⁰ [Resilient Fairfax - Climate Projections Report \(CPR\) 2022 \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/resilient-fairfax/cpr-2022)

In addition to floodplain or riverine flooding, the county’s MHCs are vulnerable to urban or pluvial flooding. Urban flooding has been increasing over time in Fairfax County due to the increase in precipitation intensity²¹ and urbanization. All eight MHCs have urban flooding vulnerabilities due to factors such as the presence of sumps, excess impervious surface, insufficient stormwater infrastructure, and/or blocked overland relief pathways. These conditions cause flooding-related vulnerabilities such as direct health and safety risks, reduced water quality from contamination, and loss of access to emergency and medical care. Indirect sensitivities include increased water-borne vectors and pathogens, mold exposure, and worsened allergies and asthma. Disproportionate adaptive capacity factors include lower access to adequate and safe stormwater management infrastructure, flood-proofing and safety retrofits, and flood insurance.

The county seeks to mitigate and prevent structural flooding whenever possible. These communities’ proximity to the floodplain makes it challenging to prevent all structural flooding. With this grant, it is possible to make the manufactured homes more resilient while also preserving the availability of affordable housing.

Severe Storm, Wind, and Power Outage Vulnerabilities

Severe storm and wind events are increasing in frequency and intensity in Fairfax County,²² which increases the risk of power outage-related vulnerabilities, storm-related damage to homes and infrastructure, and other direct health and safety risks to residents.²³ Transmission and distribution systems are particularly sensitive to damage from high winds, which can cause power outages and fire risks. In the event of a severe storm or wind event, power outages are more likely to occur in areas with weakened power lines and other electricity infrastructure vulnerabilities, such as those at Harmony Place.

Harmony Place residents have consistently expressed concerns^{24 25} about degraded infrastructure in their neighborhood. A site assessment in November 2021 found deteriorating low-voltage distribution cables, cables running over trailer roofs, and structural weaknesses in meter boards.²⁶ Storm-related power outages exacerbate a range of vulnerabilities for vulnerable populations. The most vulnerable residents are those who rely on electricity-dependent medical equipment (DME) and devices, for whom power outages can be life-threatening. The zip codes that are home to Fairfax County’s MHCs have a total of 584

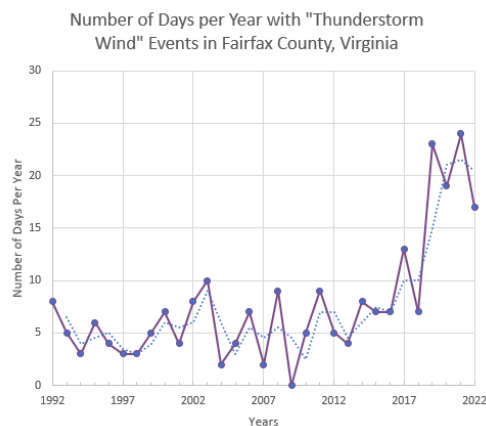


Figure 6: Number of Days with Thunderstorm Wind Events 1992-2023

²¹ [Resilient Fairfax - Climate Projections Report \(CPR\) 2022 \(fairfaxcounty.gov\)](#)

²² [Resilient Fairfax - Climate Projections Report \(CPR\) 2022 \(fairfaxcounty.gov\)](#)

²³ [Resilient Fairfax Vulnerability and Risk Assessment \(VRA\) 2022 \(fairfaxcounty.gov\)](#)

²⁴ [Tenants Press for Repairs by Next Owner of Harmony Place Mobile Home Park \(connectionnewspapers.com\)](#)

²⁵ [Harmony Place Mobile Home Residents in Alexandria South Demand Repairs be Part of Upcoming Sale - The Zebra-Good News in Alexandria](#)

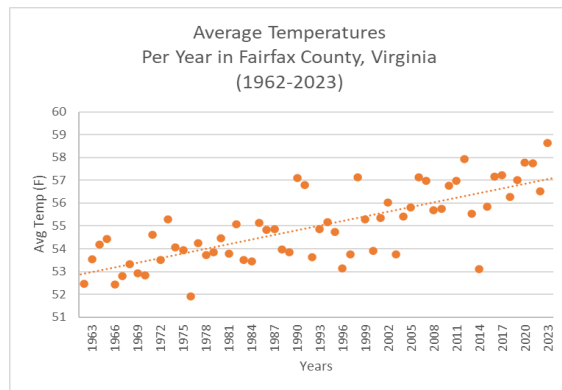
²⁶ Blue Heron Leadership Group. (2021). Harmony Place Mobile Home Park Condition Assessment.

residents with this vulnerability.²⁷ In addition to DMEs, power outages can exacerbate other vulnerabilities, such as increased heat stress or hypothermia, loss of refrigerated medication and food, and lack of access to communications devices. MHCs are also vulnerable to direct damage due to high wind speeds. Many of the existing homes in the MHCs were erected prior to the new HUD Code wind load standards that were put in place after Hurricane Andrew in 1994,²⁸ and are therefore likely to lack those resilience benefits. FEMA’s Composite Wind Zone Map shows that Fairfax County is in Zone II with wind speeds up to 160 mph and in the Hurricane-Susceptible Region²⁹.

Extreme Heat Vulnerabilities:

Extreme heat is increasing over time in Fairfax County. Average temperatures per year have risen by more than 4 °F since 1962, and an additional rise of 4.4 - 8°F is projected by 2085. Most notably, hot nights (or the number of nights per year that never drop below 70°F) are increasing, which poses a problem for those without sufficient access to air conditioning. The number of extreme heat days per year is also projected to continue increasing^{30, 31}. In addition to general temperature trends, the Urban Heat Island effect causes urbanized areas to retain more heat than rural areas due to greater concentration of paved surfaces, fewer trees and green spaces, and more waste heat (e.g., car exhaust). The county’s eight MHCs are largely located in or near the county’s Urban Heat Islands.^{32, 33}

Figure 8: Average Temperatures Per Year, Fairfax County, VA



Heat-related vulnerabilities include heat-related illnesses such as heat stroke, dehydration, and cardiovascular, respiratory, and cerebrovascular disease; exacerbation of existing health conditions such as kidney disease through heat exposure; increase of communicable disease due to time indoors during extreme heat; ground-level ozone, mold growth, asthma, stress and mental health impacts; exposure to vector-borne diseases carried by mosquitos and ticks; exposure to harmful algae and pathogens, and financial energy burden. LMI populations such as those in MHCs tend to have lower adaptive capacity for extreme heat due to lower disposable income for air conditioning, lower-quality ventilation, and lower access to tree canopy and green space.

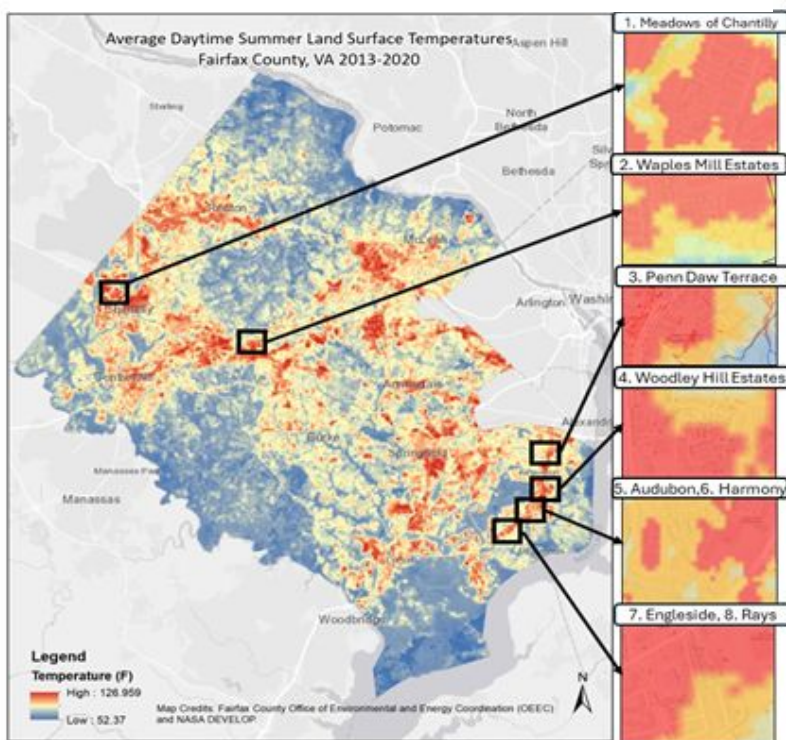
How will your activities address the current and future threat of natural hazards, extreme weather, and disaster events?

Resilience to Riverine and Urban Flooding

As detailed in *Exhibit C: Need – Increasing Resilience in Disaster-Prone Areas*, and in the section above (*What significant hazards could impact your project site(s)?*), Fairfax County’s

²⁷ [HHS emPOWER Map](#)
²⁸ [Factory-Built Housing for Affordability, Efficiency, and Resilience | HUD USER](#)
²⁹ [Designing for Natural Hazards: A Resilience Guide for Builders and Developers - Volume 1: Wind \(huduser.gov\)](#)
³⁰ [Resilient Fairfax Climate Projections Report 2022 \(fairfaxcounty.gov\)](#)
³¹ [Overall Resilience Metrics | Office of Environmental and Energy Coordination \(fairfaxcounty.gov\)](#)
³² [Resilient Fairfax Interactive Map Viewer \(arcgis.com\)](#)
³³ [NASA Develop Fairfax County Urban Heat Island Effect Study](#)

Figure 10: Manufactured Housing Communities in Relation to Urban Heat Islands in Fairfax County



MHCs are vulnerable to a range of flooding-related impacts. The PRICE Main grant may be used to enhance the

safety and stability of the MHCs through a menu of techniques that may include the following:

Enhanced access to flooding-related services: including assistance in applying for the county’s Flood Mitigation Assistance Program (FMAP), flood insurance, the Conservation Assistance Program (CAP), or help submitting stormwater service requests.

Emergency contacts and guidance: including information on who to call during flooding-related

emergencies of different types, how to evacuate, and how to prepare for emergencies.

Flood barriers and deployable supplies: such as sandbags, flood walls, flood gates, and other deployable measures, for short-term relief where appropriate.

Flood sensors and alarm systems: to better ensure the safety of MHCs in particularly flood-prone areas, such as those in Harmony Place and Audubon Estates.

Elevation of critical equipment and homes: such as elevation of HVAC or other mechanical and electrical equipment above the Base Flood Elevation, with additional freeboard for safety. The county will explore whether elevation of the housing units themselves is advisable.

Repair of flood damage: such as damage to units or components built after 1976 that have been flood damaged.

Use of flood-resilient materials: which may include flood-resilient walls, insulation, windows, HVAC covers, or other materials.

Planning for capital improvements, green infrastructure, and other infrastructural upgrades: such as analyses, engineering, and planning for larger-scale improvements that could include concepts such as a protective berm and trail between the community and the water body, culvert upgrades, or other stormwater infrastructure upgrades. Where feasible, green infrastructure and Low Impact Development (LID) techniques may be used to better absorb stormwater.

Land acquisition planning, permitting, and associated tasks: to ensure resident safety and to prevent displacement.

Removal of debris and other stormwater blockages: including coordination with VDOT for removal of debris that exacerbates flooding and education of the community on how to request help with debris removal, along with any action they can take themselves, if applicable.

Resilience to Severe Storms/Wind and Power Outage Vulnerabilities:

As detailed in *Exhibit C: Need – Increasing Resilience in Disaster-Prone Areas*, and in the section above, (*What significant hazards could impact your project site(s)?*), the MHCs in Fairfax County are also vulnerable to increasingly severe storms and associated impacts such as power outages. The PRICE Main grant would enhance the safety and stability of the MHCs as it relates to this hazard through a menu of options that may include:

Emergency contacts, emergency kit supplies, and guidance: to ensure residents are prepared with phone numbers for utility companies, county agencies, personal emergency contacts, and access to translated copies of the Community Emergency Response Guide (CERG), which instructs residents in taking preparedness actions. These efforts may include electrical safety education to prevent injury or loss of life in cases of downed wires or use of back-up power generators.

Utility coordination: County staff will explore options for coordinating with the MHC owner, property manager, and utility companies such as Dominion Energy, Northern Virginia Electric Cooperative (NOVEC), Fairfax Water, Washington Gas, Comcast, and Verizon, to ameliorate any utility-related issues. For example, a 2021 conditions assessment at Harmony Place found a need for “protection and proper support of electrical feeds, replacement of meter bank boards, and clearing access to meter banks that are currently inaccessible.”³⁴

Back-up power: This project may include provision of small back-up power options for MHC residents, such as battery-powered generators, for those who are medically reliant on electrical devices. The purpose is to prevent outage-related fatalities.

Wind-resilient materials: This project will explore options for improvements to MHCs that increase each unit’s resilience to high winds to prevent damage to neighborhood infrastructure, such as: adequately protected windows, doors, garages, and frames; wind-resilient roof cover; and properly fastened mounted HVAC equipment.

Storm and tornado shelters: for MHCs that lack access to a safe place to shelter, staff may pursue storm shelter options.

Resilience to Extreme Heat:

As detailed in *Exhibit C: Need – Increasing Resilience in Disaster-Prone Areas* and in the section above, (*What significant hazards could impact your project site(s)?*), the MHCs in Fairfax County are also disproportionately vulnerable to extreme heat and the Urban Heat Island (UHI) effect. The PRICE Main grant can be used towards a menu of heat resilience options including the following:

Effective distribution of aid: such as supporting qualifying households in applying for Cooling Assistance for air conditioning costs and equipment for units where such assistance is needed.

³⁴ Blue Heron Leadership Group. (2021). Harmony Place Mobile Home Park Condition Assessment.

Emergency contacts and guidance: such as who to call in cases of heat-related illness emergencies, where cooling centers are located, and how to prepare for extreme heat.

Resilient tree plantings: to mitigate the UHI effect by installing resilient, non-invasive trees on MHC sites as site conditions allow. To maximize benefits and longevity, tree selection will specifically consider resilient and adaptive species.

Cool roofs and pavements: including exploration of options for applying reflective coatings or materials to roofs to reduce home energy consumption and to pavements to reduce land surface temperature, which contributes to the UHI effect.

Energy efficiency upgrades: including weatherization, improvements in insulation, and heat pump installations or other energy-efficient HVAC systems, in coordination with entities such as community housing partners

How does your proposal help advance Environmental Justice (as defined in Section I.A.4 of this NOFO)?

This proposal seeks to advance environmental justice by reducing disproportionate exposure to flooding, extreme heat, storm damage, environmental health impacts of sub-standard infrastructure and housing, and other environmental hazards for the county’s MHCs. The MHCs often disproportionately comprise LMI households and communities of color, as summarized in the table below. (Please see *Subfactor (b)(i): Project Description, Management, and Impact – Description of MHC sites* for additional demographic and socioeconomic information).

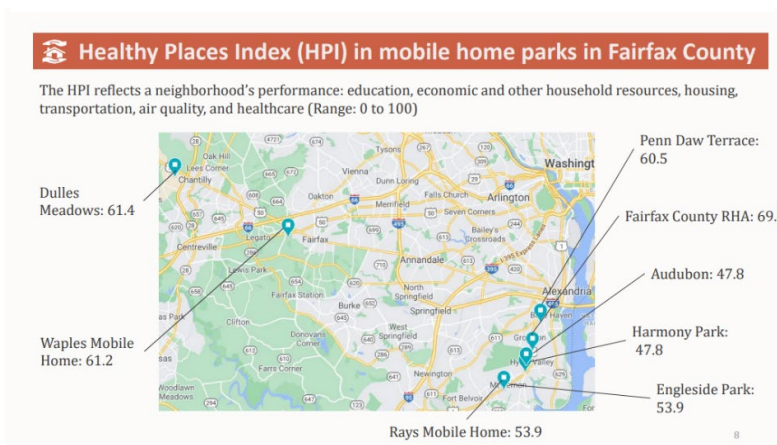
Table 3: US EPA Environmental Justice Index (EJ Index) Indicators

Name	Address	People of Color	Low Income	Limited English Speaking	Less than HS Education
Audubon Estates	7930 Audubon Ave Alexandria, VA 22306	92 nd percentile	73 rd percentile	88 th percentile	98 th percentile
Harmony Place Mobile Home Park	8018 Richmond Highway 22306	92 nd percentile	73 rd percentile	88 th percentile	98 th percentile
Engleside Mobile Home Park	8500 Greenleaf Street, Alexandria, VA 22309	78 th percentile	75 th percentile	57 th percentile	55 th percentile
Rays Mobile Home Colony	106 Denfield Dr Alexandria VA 22309	78 th percentile	75 th percentile	57 th percentile	55 th percentile
Penn Daw Terrace	6240 Shields Ave 22303	66 th percentile	34 th percentile	87 th percentile	58 th percentile

Name	Address	People of Color	Low Income	Limited English Speaking	Less than HS Education
Woodley Hill Estates	2800-3008 Camellia Dr Alexandria VA 22306	84 th percentile	45 th percentile	91 st percentile	99 th percentile
Waples Mill Estates	4308 Mobile Ct Fairfax VA 22030	68 th percentile	28 th percentile	89 th percentile	63 rd percentile
Meadows of Chantilly	4200 Airline Parkway, Chantilly VA 20151	87 th percentile	92 nd percentile	94 th percentile	80 th percentile

The Fairfax County Manufactured Housing Task Force in 2020 presented the Healthy Places Index (HPI) reflecting a neighborhood’s quality of life based on environmental and socioeconomic indicators. Of the county’s 8 MHCs, Harmony Place and Audubon Estates ranked the lowest. At Harmony Place, 93% of residents are Hispanic/Latino.³⁵ As documented throughout this narrative including in **Exhibit C: Need**, these communities have been disproportionately burdened by environmental hazards such as flooding, sanitary sewer overflows, natural gas explosions,³⁶ and sub-standard infrastructure.³⁷

Figure 11: Healthy Places Initiatives in MHCs



The proposed project would address the flooding, heat, and power-outage related environmental injustices as detailed in **Subfactor (b)(iii): Environment and Resilience**. The project also seeks to address exposure to environmental hazards associated with sub-standard infrastructure, such as sub-standard natural gas, electricity, sewer, and water infrastructure, through utility coordination where

applicable. Further, by replacing damaged and degraded units erected prior to 1976, the project would inherently address additional environmental hazards such as mold exposure and indoor air pollution from outdated appliances and materials.

In addition to addressing environmental hazards, this project seeks to enrich Fairfax County’s diverse communities by preserving existing affordable housing units, and most importantly, prioritizing the dignity of MHC residents by protecting existing community ties and preventing

³⁵ [Harmony Place Mobile Home Park Community Survey: Summary of Findings](#)

³⁶ [8 displaced in Mount Vernon mobile home fire | wusa9.com](#)

³⁷ Blue Heron Leadership Group. (2021). Harmony Place Mobile Home Park Condition Assessment.

displacement of residents. Fairfax County seeks to ensure quality of life for all residents, neighborhoods, and diverse communities, in alignment with the county's One Fairfax racial and social equity policy.

iv. Subfactor (b)(iv): Community Engagement (10 points)

On November 21, 2017, the Fairfax County Board of Supervisors published the One Fairfax racial and social equity policy with the goal of considering equity in decision making and, in the development, and delivery of future policies, program, and services. Among the goals of One Fairfax is a commitment to implement housing policies that encourage all who want to live in Fairfax to be able to do so and the provision of a full spectrum of housing opportunities across the county.

At the center of One Fairfax is a commitment to a fully inclusive approach to community engagement. As such, One Fairfax is a fundamental shift from a one-size-fits-all policy formula in favor of an approach that involves setting universal goals, assessing general population performance related to those goals as well as groups and places that are performing differently, understanding what supports and impedes groups from achieving the goals, and using that information to develop and implement targeted strategies. Therefore, the One Fairfax Equity Plan calls for the engagement of people with lived experience to inform proposed activities using a place-based collective impact approach to address the complex, large scale social and environmental issues at scale.

This approach relies on a group of stakeholders committed to addressing a specific social or environmental issue, and the results and implications are discussed together. It includes non-profit, private, and public sector, and the community. In order to make significant progress it requires systems change, greater alignment and connection between many organizations and community as decision makers. Successfully making progress requires both scaling effective work across organizations as well as identifying new innovative solutions.

In partnership with the Fairfax County Department of Neighborhood and Community Services (NCS) and their network of stakeholders and partners contracted through their Neighborhood Initiative Program (NIP), the FCRHA and the county's Department of Housing and Community Development (HCD) will be implementing and coordinating the Countywide Inclusive Community Engagement framework to galvanize those impacted the most. Working from an equity perspective, NCS will work with external partners, stakeholders, and the business community to build inclusive community engagement capacity to improve service delivery and create equitable outcomes for all manufactured housing residents. By bringing together bring together non-profits, community-based organizations, civic organizations, inter-faith community, and county agencies we will establish the best practices as well as build the capacity of county, community, and stakeholders to engage in inclusive public engagement. It will also evaluate and address barriers (including transportation, language, virtual access, and technology gaps) to cultural, recreational, and social opportunities.

NCS will lead countywide engagement through centralized functions to provide guidance, tools, networks, data analysis and more capacity, coordinate countywide engagement efforts and resources to ensure fair and equal community access across departments, establish place-based engagement efforts, and provide technical assistance to create a geographic and population-focused approach based on each individual MHC needs. Participation will reflect a group of residents, who are representative of the demographics of each manufactured housing

community's geography, race/ethnicity, age, gender, and other demographic characteristics with specific emphasis on those who have historically been most adversely impacted by decisions and those who are most often marginalized in these conversations. This includes people of color, people with low incomes, limited English proficiency, and other traditionally underserved groups.

Engagement will connect residents to opportunities that encourage the development of an inclusive economy within the MHCs. Further, this approach to engagement will:

- Establish and maintain trust with communities in an honest and transparent manner;
- Consider and respect history, culture and trauma;
- Promote and create accessible government through establishing collaborative efforts with the community to ensure public engagement processes are broadly accessible to all residents of manufactured housing communities to promote meaningful participation;
- Enable engaged communications through clear and open communication for meaningful public input, broad community participation, and engagement in the decision-making process; and,
- Place strategic focus on turning vulnerable MHCs into communities of opportunity.

How does your proposal align with existing community plans and policies?

Fairfax County's PRICE grant proposal centered around: understanding community needs and preserving and revitalization; assessing and improving infrastructure; development activities; resilience and mitigation activities; housing and voluntary supportive services; and planning and regulatory activities clearly aligns with a wide variety of our existing community plans and policies as described below:

- *Countywide Strategic Plan:* This is the overarching strategic document governing Fairfax County's priorities, and the county's PRICE proposal is consistent with a variety of community outcomes in the Plan. Specifically, the PRICE grant proposal supports:
 - **Economic opportunity** by promoting economic vibrancy in all communities;
 - **Empowerment and support for residents facing vulnerability** by ensuring that the residents of MHCs are respected, understood and connected;
 - **Environment and energy** by promoting land quality and sound environmental policies in the MHCs; and
 - **Housing and neighborhood livability** by fostering affordable and quality housing and access to amenities that promote healthy neighborhoods.
- *Communitywide Housing Strategic Plan:* This is the guiding document for affordable housing policy in Fairfax County, and it among other things calls for the development of 15,000 net new homes affordable to households earning 60 percent of the Area Median Income (AMI) and below and no net loss of the county's existing affordable housing stock – including the MHCs. The county's PRICE grant application – which provides for a variety of activities aimed at preserving the affordable housing opportunities that exist in the MHCs – is in line with the county's housing goals.
- *Affordable Housing Preservation Task Force Report:* Fairfax County's Affordable Housing Preservation Task Force made recommendations for the preservation of the county's committed and market-affordable housing. The task force specifically set a goal of preserving the affordability of the approximately 1,750 housing opportunities that exist in MHCs. The task force recognized that MHCs, and owners of manufactured homes in

those communities have unique challenges and opportunities. In so doing, the task force recommended the creation of an MHC-specific work group to make the recommendations which serve as the underpinning of the county's PRICE application.

- *Manufactured Housing Task Force (MHTF) Report:* The MHTF set three goals:
 - Preserve, through a variety of means, the affordability of the approximately 1,750 housing opportunities that exist in the eight MHCs in Fairfax County, recognizing that each community – and each family - has unique circumstances that will require a tailored approach.
 - Provide MHC residents the opportunity to fully participate in and benefit from civic life in Fairfax County, most critically but not limited to policy decisions that directly impact their housing sustainability.
 - Provide MHC residents with the opportunity to learn about their rights and limitations and provide MHC owners with the opportunity to learn about their responsibilities under the Manufactured Home Lot Rental Act of Virginia and other applicable regulations, county policies and resources available to assist them.
- *Metropolitan Washington Council of Governments Regional Fair Housing Plan:*
 - Increase awareness of existing and upcoming affordable homeownership and rental opportunities in communities of color and other vulnerable communities
 - Increase community awareness of Fair Housing rights by developing and providing new Fair Housing training and outreach activities.
 - Enforce the Fairfax County Human Rights Ordinance through testing-initiated complaints that identify areas of concern.
 - Increase the accessibility of fair housing services for individuals with disabilities and for whom English is not their first language
 - Adopt amendments to the Fairfax County Comprehensive Plan that provide for tools and incentives for the preservation of both existing market-affordable multifamily units and manufactured housing communities.
- *Resilient Fairfax: Climate Adaptation and Resilience Plan:* This proposal would contribute to the implementation of several strategies in the county's climate resilience plan, including the following: CRC.2a: Community Aid and Services for Resilience; CRC.2b: Climate Resilience Education and Guidance; CRC.3a: Flood-Risk Reduction Plan; CRC.3b: Heat-Resilient Design, Development, Upgrades, and Practices; CRC.3c: Targeted Tree Plantings; RIB.1b: Flood Resilience of County Government Building and Other Facilities; RIB.2a: Advocate and Partner for Energy Resilience; AE.2a: Green Infrastructure for Resilience; IAP.3b: Federal and State Funding Opportunities for Resilience; IAP.4b: Build County Staff Capacity to Lead on Climate Resilience Planning and Implementation.

EXHIBIT E: CAPACITY (Maximum 20 points)

Fairfax County government serves the largest jurisdiction in the Commonwealth of Virginia and has a robust array of agencies that have a proven record of managing large-scale public works projects for decades. Specific to the work proposed under the PRICE grant, the Fairfax County Department of Housing and Community Development (HCD) has long experience managing community improvement projects, from CDBG-funded infrastructure improvements in Conservation Areas, to the development and rehabilitation of community centers, to the construction of new affordable housing communities.

Examples of recent, relevant projects managed by HCD and its partner county agencies include:

- *Hybla Valley Community Center*: The county purchased a former indoor tennis club in a part of the county which is largely surrounded by the Harmony Place and Audubon MHCs. Using CDBG and local dollars, the county renovated and converted the facility into a 50,000 square foot community center serving the LMI residents of the area with active recreation and wellness activities, job skills, after-school youth programming, among other services.
- *Murraygate Village Apartments Renovations*: The FCRHA and the county managed the total renovation of this 200-unit affordable apartment complex owned by the FCRHA. Murraygate Village is located adjacent to the Audubon MHC and is home to LMI working families. The FCRHA utilized a combination local and federal dollars along with Low Income Housing Tax Credits (LIHTC). Renovation activities included new windows, kitchens and bathrooms, and converting from a central boiler system to individually metered climate systems. HCD was able to conduct the renovation without having to move residents off-site, thereby reducing the disruption such a large and complex project would have had on their daily lives.
- *FCRHA Headquarters Energy Efficiency Upgrades*: The FCRHA and the county's Office of Environmental and Energy Coordination partnered to make major upgrades to the efficiency of the FCRHA's 1980s-vintage office building. Improvements included the installation of a large rooftop solar array, window tinting, conversion to LED bulbs, and a new HVAC system.

What is your experience using grant funds?

HCD has successfully administered a variety of HUD grants, including CDBG, HOME and ESG entitlement grants, CDBG-DR and CDBG-CV grants, CoC grants, as well as Section 108 loans. For example, the County has received over \$298 million from CDBG and \$78 million from HOME and expended funding to support numerous county public facility, affordable rental and homeownership housing, public services, fair housing, and rehabilitation activities. Beneficiaries included LMI individuals and households, including older adults, people with disabilities, those experiencing chronic or frequent homelessness, and children. HUD monitored the HOME program in 2018 and CDBG/CDBG-CV programs in 2022 and no findings or concerns were identified. In addition, HCD's partner agencies also have experience using grant funds from a wide variety of other federal agencies, including the US Departments of Transportation; Health and Human Services; and Justice.

Who are your key staff?

HCD will lead the execution of the manufactured housing preservation activities, which will be kick-started by the PRICE Main Competition funds. Fairfax County has committed a new

Manufactured Housing Coordinator staff position under the Affordable Housing Development Division (AHD) to oversee the program. This position will manage all activities, timelines, and community engagement, and partner with the Grants Management Division (GMD) of HCD to ensure compliance with the PRICE grant requirements. The position will also oversee all interagency coordination with partner organization. Interagency commitments include the departments of Public Works and Environmental Services (DPWES), Planning and Development (DPD), and the Office of Energy and Environmental Coordination (OEEC).

HCD leadership will support the new Manufactured Housing Coordinator position with the programming, decision making, and grants management compliance, as follows:

- Agency Director, Thomas Fleetwood
- Deputy Director, Real Estate Finance and Development, Anna Shapiro
- AHD Director, Meghan Van Dam
- AHD Manufactured Housing Program Coordinator – Pending
- Design, Development & Construction Division Director, Mark Buenavista
- GMD Program Manager, Sharon Shields
- GMD Associate Director, Laura Lazo
- Central Services (Finance Division), Division Director, Erin Kozanecki
- One Fairfax, Marwan Mahmoud

As mentioned previously, HCD will partner with NCS who will serve as lead and subject matter experts in community engagement:

- NCS, Deputy Director, Pallas Washington
- NCS, Inclusive Engagement and Community Intervention Division Director, Norma Lopez

DPD will guide HCD and provide subject matter expertise for all planning activities related to Comprehensive Plan and Zoning Ordinance studies and amendments:

- DPD Zoning Administration Division Staff
- DPD Planning Division Staff

OEEC and DPWES will provide subject matter expertise to the environmental and resiliency components of the grant, related to hazard assessments and mitigation efforts:

- DPWES, Stormwater Management, Emergency Management Specialist, Chase Suddith
- OEEC, Planner IV (Resilient Fairfax), Allison Homer.

What is your experience promoting racial equity?

In 2023, HCD conducted targeted outreach to residents of naturally occurring and committed affordable rental housing to inform a new Policy seeking to preserve existing affordable units if they undergo redevelopment (the Preservation Policy). The goal of the outreach was to ensure that the populations that may be affected by the Preservation Policy could help formulate and give feedback on it. Residents often face various barriers to participating in the land use process, such as language barriers, location and timing of the meetings, and lack of childcare and/or transportation. Staff from HCD and NCS used data and knowledge of potentially impacted communities to inform the locations of the various meetings. A series of three meetings in areas with concentrations of low- and moderate-income households. The times of the meetings were based on feedback from community members on how this has impacted their ability to participate in the past. Staff arranged childcare, transportation to/from the meetings, and translation services to remove barriers to resident participation.

HCD is also aligned with multiple focus areas of the One Fairfax Policy. One Fairfax aims to ensure that all county policies, programs, and services consider and address the needs of diverse populations, including race, ethnicity, gender, disability, and income level as a commitment to confront systemic inequalities, foster inclusivity and promote fairness across the community. For example, an area of focus of the One Fairfax Policy establishes the goal of achieving “Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county.” Another area of focus of the One Fairfax Policy sets the goal of achieving “Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood.” Aligned with both aforementioned focus areas, PRICE grant funding will be used to support comprehensive plan and zoning ordinance amendment activities, especially community engagement activities, to better address the needs of the MHCs and provide access to resources that support housing stability, code compliance and safety.

What is your experience completing environmental reviews?

Staff in Fairfax County’s Office of Environmental and Energy Coordination (OEEC), HCD, and Department of Planning and Development (DPD) have familiarity in the review of NEPA documents for state and federal projects related to transportation and infrastructure improvements, new capital facilities, housing, and other related development. DPD is the lead agency in conducting these reviews as part of the land use and entitlement process, soliciting comments from several county agencies; comments are primarily related to consistency with the Comprehensive Plan, County Code, State Code, and other Board of Supervisors adopted policies and documents. DPD conducts reviews of Environmental Assessments, Environmental Impact Statements, Environmental Impact Reviews and Coastal Zone Consistency Determinations. HCD conducts reviews in accordance with 24 CFR Part 58 for housing and community facilities receiving federal funding. Additionally, NEPA documents are taken into consideration by staff when making decisions for future planning and infrastructure needs.

Are you familiar with cross-cutting federal requirements?

Fairfax County Government’s Department of Finance administers a countywide grants management policy for all monies received through federal, state, and other private grant sources. This policy outlines the responsibilities of county departments that receive financial assistance and the procedures to be followed to ensure coordinated and efficient administration of all county grants. The policy complies with 2 CFR Part 200 – Uniform Guidance. Fairfax County has also adopted a procurement policy which includes procurement standards for federal grant awards to ensure compliance with 2 CFR Part 200.318 – 327, including adherence to Davis-Bacon labor standards for contractors and subcontractors where applicable.

HCD follows these policies and federal grant requirements relative to the acceptance of federal funds. For example, HCD also complies with environmental review; Build America, Buy America; affirmatively further fair housing; anti-displacement and relocation assistance; anti-lobbying; anti-discrimination; and lead-based paint requirements that are mandatory for CDBG and/or HOME activities. HCD also participates in the county’s annual single audit process for federal funds.

EXHIBIT F: MATCH OR LEVERAGE (Maximum 5 points)

Fairfax County will leverage at least approximately \$8.5 million of local, federal, and other sources of funding for activities described throughout this application over the period of performance.

As mentioned in *Exhibit D. Subfactor (b)(i): Project Description, Management, and Impact*, Fairfax County Department of Housing and Community Development (HCD) and Fairfax County Redevelopment and Housing Authority (FCRHA) seeks to establish a grant home rehabilitation and improvement program to be piloted at the Harmony Place and then expanded to other MHCs. The grant program is annually identified in the Action Plan for the county's CDBG program beginning in FY 2023.³⁸ The current balance of funding for this program is \$491,064 with an annual planned allocation of \$240,000 of CDBG funds. These funds would provide additional program funding leverage of \$1,931,064 during the PRICE grant period of performance. The annual allocation of \$240,000 between FY 2025 and FY 2030 is dependent upon HUD CDBG grant awards equal to the FY2024 award. Reductions in the annual award could cause the leverage funding to be adjusted based on the CDBG award amount and other program requirements.

Fairfax County will also leverage \$3,750,000 million in Amazon IMPACT Reach funds to support the proposed financial resources for homebuyers in MHCs to acquire a home for the first time, also described in *Exhibit D. Subfactor (b)(i)*. Uses for this funding may include such supports as compensation/repurchase of units, relocation assistance, down payment assistance, and providing homebuyer and homeowner education.

Fairfax County will also leverage funding for the Neighborhood Initiative Program (NIP) and Opportunity Neighborhood (ON) programming to implement and coordinate the Countywide Inclusive Community Engagement framework to improve service delivery and create equitable outcomes for all manufactured housing residents. The program brings together non-profits, community-based organizations, civic organizations, inter-faith community, and county agencies to establish best practices; builds capacity of county, community, and stakeholders to engage in inclusive public engagement; and evaluates and addresses barriers (including transportation, language, virtual access, and technology gaps) to cultural, recreational, and social opportunities. In total NIP and ON programs would leverage approximately \$2,794,500 of funding.

³⁸ Proposed One-Year Action Plan for County FY2024 (Federal FY2023):
[fairfaxcounty.gov/housing/sites/housing/files/Assets/Documents/Consolidated Plan/FY2024One-Year-Action-Plan.pdf](https://fairfaxcounty.gov/housing/sites/housing/files/Assets/Documents/Consolidated%20Plan/FY2024One-Year-Action-Plan.pdf)

Exhibit G: LONG-TERM EFFECT (Maximum 10 points).

Long-term affordability is the goal of any preservation effort undertaken by Fairfax County. For properties that will continue to operate as rental housing, Fairfax County will seek affordability periods that exceed 30 years, with a strong preference for the longest term possible. In the process of providing long-term loans for preservation, the FCRHA seeks the best possible terms to extend affordability beyond what is documented through Rights of First Refusal, ground leases, and other means. While affordability periods are the primary means of obtaining long-term affordability, these other mechanisms serve as back up to ensure that the FCRHA is well-positioned to create longer-term affordability when possible. Long-term affordability commitments and restrictions provide residents with stable pricing that is not subject to the same price increases as market rate rental homes. Robust engagement with residents will assist the FCRHA in determining the appropriate rent levels for residents on a property that receives funding.

Homeownership opportunities will be assessed and sought out through various means. PRICE grant funding will result in Fairfax County being able to assist residents in potential homeownership opportunities that arise, as these tend to arise quickly and require funding on-hand to execute. In a strong housing market like Fairfax County, it is essential to have ample funding available to respond to these opportunities in a timely manner and compete with investors seeking profits through increased rents and/or redevelopment of MHCs. Creative homeownership options will be explored, including potentially Community Land Trusts. The PRICE grant would enable Fairfax County to provide funding to residents who wish to own the land under their home when an opportunity arises to do so, thereby ensuring self-governance of the property and long-term affordability.

Fairfax County is not only committed to preserving the affordability of properties but also to improving living conditions through careful consideration of the physical conditions of a property and the needs of residents. Assessing the needs of MHCs will require robust coordination with residents to inspect the Manufactured Homes, discuss priority concerns with residents, and allocate resources in an equitable and efficient manner. PRICE grant funding will assist Fairfax County in reaching and helping a greater number of MHC residents than would otherwise be possible. By providing funding for physical improvements or home replacements, as needed, the county will be able to improve a greater number of lives through improved living conditions. The quality of one's home not only affects physical safety but also may have consequential impacts on mental health and well-being. Substandard housing can harm children's development and contribute to psychological distress.

MHCs are vulnerable to storms that are increasing in intensity and frequency over time, which are not only physically damaging to structure but can be a major source of stress for residents. Infrastructure improvements detailed in Exhibit D will assist with improving resilience related to flooding, wind and power outages, and extreme heat. Improving the resilience and safety of the MHCs will help protect residents' homes, reduce the financial need for them to fix their homes after it sustains damage, and can provide a greater sense of safety and stability. Aging structures may also be currently exposing residents to mold and other indoor air pollution from outdated appliances and materials. These conditions can lead to a variety of short- and long-term health effects. Units constructed prior to 1976 may need to be replaced in order to provide the greatest benefit to residents. This would improve the physical health of residents and reduce the stress that is associated with substandard and unhealthy living conditions.

Long-term, stable affordability for the MHCs through long-term restrictions and/or homeownership opportunities, coupled with physical improvements or replacement of degraded units, will improve the financial sustainability of the MHCs. PRICE grant funding will assist Fairfax County in making large investments upfront to improve the physical and financial health of the MHCs, reducing the need for further federal assistance. Fairfax County is in a strongly desirable location, reflected in the strength of the housing market. As noted in this application, MHCs in Fairfax County have been sold to investors, which may lead to substantial increases in pad rents and other fees for the residents. Financially stable communities and residents are less likely to require future federal assistance. Affordability levels that are subject to unstable and inconsistent market rate increases may increase the need for resident reliance on other federal assistance programs. Improving the resilience of the homes to storms will provide an improvement to the lives of the residents and also reduces the likelihood of disastrous effects on neighborhoods which might require federal assistance to resolve.

MHCs have historically provided affordable housing for those who might be priced out of other areas of Fairfax County as rents and property values continue to rise and wages stay relatively stagnant. Fairfax County's MHCs are located in areas with disproportionate socioeconomic vulnerabilities, and Census data shows that socioeconomic vulnerabilities are greatest among Black/African Americans and Hispanic populations. The PRICE grant funding will assist vulnerable populations by seeking to stabilize rents, promote homeownership, and provide much needed repairs to homes. These measures will help bolster the financial, physical and mental health of underserved residents who have historically not been able to reap the benefits of Fairfax County's economic success. As Fairfax County has attracted new residents, businesses, and developments, affordability has decreased and left many in dire financial situations. Many vulnerable populations have also historically been left out of public engagement with county leadership and staff as they face more barriers to participation than many of the residents who are typically involved. Robust and thoughtful community engagement with the residents of MHCs will help bring them into the fold and start important conversations regarding their needs as residents and those of their communities. The PRICE grant will enable Fairfax County to invest in the MHCs to promote long-term affordability, homeownership, and resilience among populations that have historically been underserved.

Required Attachments

Note: Attachments do not count towards the application page limit

Attachment A. Advancing Racial Equity

In 2017, Fairfax County entered a Memorandum of Understanding with seven neighboring jurisdictions to develop a Regional Analysis of Impediments (RAI). When completed, the RAI will be a five-year plan that includes goals and actions to help reverse patterns of segregation and increase access to neighborhoods of opportunity throughout the greater Washington, D.C. area. The RAI marks the first time in 25 years that local jurisdictions collaborated to create a joint plan for the region. As part of the RAI, comprehensive analyses were conducted that describe the living patterns of Fairfax County households by race and ethnicity. While the data reflects the broader community, it is inclusive of families that would be expected to benefit from mobility-related services as part of this grant funding.

Potential barriers to persons or communities of color. Findings from analyses conducted as part of the RAI indicate that although Fairfax County households have substantial access to low poverty areas overall, racial and ethnic disparities exist. In general, White households live in neighborhoods with lower poverty rates, while Hispanic and Black households live in higher poverty areas. Similar disproportional findings indicate that White households are more likely to live in environmentally healthy neighborhoods as compared to other races. In addition, data indicate that Hispanic and Black households are more than twice as likely to be severely cost burdened than are White households in Fairfax County. As the analyses conducted as part of the RAI are extensive, these findings and others will be used to guide efforts pertaining to housing mobility,

Steps to prevent, reduce or eliminate these barriers. As part of One Fairfax (described in Narrative E_HUD-52515_VA019), the Fairfax County Department of Housing and Community Development (HCD) has adopted an equity impact plan. This plan identifies agency goals and strategies to advance equity including improving affordable housing policies and administrative practices; preserving existing affordable housing; aggressively producing housing; and ensuring equitable access to a range of affordable rental and homeownership opportunities. As related to housing mobility, the FCRHA will use vouchers to increase affordable housing choices for people of color in high opportunity areas of the county. This will primarily be accomplished through the implementation of submarket payment standards in the Housing Choice Voucher (HCV) program.

Attachment B. Affirmative Marketing

Affirmative marketing. Fairfax County is rich in diversity, requiring marketing that connects to target audiences in their culture. The FCRHA will affirmatively market mobility services provided through this grant by combining consumer market data (demographics, lifestyles,³ Narrative K_HUD-52515_VA019 media patterns) with community input to determine the messages and media opportunities that will connect with the target audience. The FCRHA will market the mobility program utilizing: (1) owned media assets which include a website and Facebook account; (2) owned media of the broader Fairfax County government system which includes approximately 50 social media accounts owned by various local government agencies; owned Spanish-language assets; production teams from Fairfax Channel 16 to create social media videos and other culturally competent videos; and county-owned signage opportunities; and (3) outreach workers at the Fairfax County Department of Neighborhood and Community Services and Health Department who are trusted community members connected to prominent local influencers including faith leaders, community members and others.

FCRHA staff will work with the outreach workers in these agencies to connect with people who might not be otherwise reached by typical media strategies. The corps of outreach workers will receive a toolkit of materials, developed by the FCRHA, to share with local influencers and help them promote the program in their own community work. The toolkit might include materials to share on WhatsApp, WeChat and other text groups; mini articles for community or faith-based community newsletters, bulletins or websites; and social media posts. The FCRHA will also work with outreach workers to identify community leaders who would be able to interview with media, providing the 'trusted' third party voice.

The highest priority of Housing and Community Development (HCD) in partnership with Fairfax County Department of Neighborhood and Community Services (NCS) will be to expand opportunity and access to manufactured housing to existing and potential new residents beyond the neighborhoods dominated by their own race or ethnicity. Based on the county's demographic profile and vulnerability index the goal of affirmative marketing will be to make African Americans aware that manufactured housing is available to them throughout Fairfax County. We will make Asians and Hispanics aware that manufactured housing is available to them outside enclaves in which concentrations have developed. As well as expand the manufactured housing choices of Caucasians to include racially integrated neighborhoods.

In coordination with the Office of Human Rights and Equity Programs (OHREP) HCD and NCS staff will work with producers at Channel 16, the county's local TV station, to produce a video for viewership by county residents. The focus of the campaign is to highlight various manufactured housing neighborhoods and amenities offered in the county, introducing viewers to and encouraging viewers to visit those areas, and in the process providing them with a wider range of housing options and neighborhoods to consider when seeking housing.

Expanding where people look for housing requires an ongoing, long-term publicity campaign to make everybody aware that they can move anywhere in Fairfax County. Such a campaign to expand housing choices can include the use of local newspaper stories, display ads, radio and television public service announcements, social media, the internet, community centers, human services building, and the websites of Fairfax County. The idea is to change the mindset to consider manufactured housing throughout Fairfax County, rather than limiting their search.

Attachment C. Affirmatively Furthering Fair Housing

Affirmatively Furthering Fair Housing (AFFH). As previously noted, Fairfax County is participating in the development of a Regional Analysis of Impediments. This coordinated and systematic regional approach is critical as barriers to fair housing do not follow strict jurisdictional boundaries and residents are mobile throughout the region. The plan currently includes goals and strategies specific to Fairfax County as well as to those of the Washington, D.C. region. The plan is anticipated to be submitted to HUD toward the latter part of 2023, and once finalized, will be one of the few regional plans in the nation to affirmatively further fair housing. The RAI directly aligns with the One Fairfax policy and was built on robust community participation to identify meaningful goals and strategies.

Importantly, the regional goals as well as Fairfax County specific goals identified in the RAI support housing mobility and ensure that all households, regardless of race or ethnicity, have access to high opportunity neighborhoods. One of the key regional strategies is to expand locally funded housing voucher programs, increase the scale and scope of housing mobility programs, and improve the portability of vouchers across jurisdictions. Another key strategy identified in the RAI is to encourage landlords to reduce, eliminate, or offset application fees for voucher users and follow HUD's guidance on the use of criminal backgrounds in screening tenants, to further promote housing mobility.

Fairfax County has also adopted eight goals specific to the county to further address the barriers outlined in the fair housing plan. The local goals are aligned with and supplementary to the regional goals. In addition, they were established based on community feedback, and developed collaboratively with other Fairfax County departments and the community. The Fairfax County goals include adopting tiered, submarket payment standards to align with market rents and increase access to higher opportunity areas for voucher holders. This is the same goal as outlined in the One Fairfax plan for HCD and outlined in the FCRHA's MTW Plan. Progress made on the regional goals as well as Fairfax County local goals will be annually reported to the Fairfax County Office of the County Executive, One Fairfax team, and outlined in the county's One Fairfax plan.

Strategic Plan Alignment: If awarded, this grant would directly support and help to advance housing justice by specifically offering support services to families in higher poverty areas of the county. Importantly, the grant aligns with the FCRHA's strategies to advance equity under the One Fairfax policy as well as the goals articulated in the RAI. Along with providing a greater level of support to MFH families, the work of this grant will also help foster stronger relationships with MHC owners and property managers in Fairfax County. This will be of tremendous value in reducing barriers to fair housing, ensuring greater diversity in all areas of the county, and creating new rental opportunities for low-income households.

A new report, written by Virginia Commonwealth University, notes that in Northern Virginia, chances of living to age 75 depend on where you live, race and ethnicity.⁴ Recognizing that housing is fundamental to health, this grant opportunity will allow the FCRHA to provide the individualized resources that families need to move to opportunity areas that typically have more resources such as fresh groceries, walkable neighborhoods, parks, and more - all of which can influence health outcomes. In addition to aligning with HUD's strategic goal, the proposed use of this grant funding strongly aligns with local public health goals including the Fairfax County Community Health Improvement Plan and the Fairfax County Countywide Strategic Plan.

Attachment D: Eligible Applicants documentation per Section III. D. of this NOFO

Attachment E: Evidence of Partnership letters per Section III. D. of this NOFO, as applicable

Attachment F: Match or leverage documentation per Section III. C. of this NOFO, as applicable

Attachment G: Application Certifications and Standard forms per Sections IV. B. and Appendix B of this NOFO

Attachment H: Summary of comments received on published Application and list of commenters by name/organization per Section VI. E. of this NOFO

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ACTION - 1

Approval of the Memorandum of Understanding (“MOU”) is Entered into by and Between the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and the Fairfax County Police Department (“FCPD”) as it Relates to the Northern Virginia Violent Crime Task Force (Task Force)

ISSUE:

Board approval of an MOU between the ATF and the FCPD is required. The mission of the Task Force will be to investigate violent crimes associated with firearms and narcotics trafficking in Fairfax County, Virginia. The Task Force will investigate the possession, origin, and ownership of firearms used in the commission of violent crimes or in defense of illegal narcotics operations. The mission will involve developing criminal intelligence from law enforcement sources throughout the nation, as well as from citizen tips and confidential sources, and identifying licensed and unlicensed dealers responsible for participation in the sale and distribution of firearms utilized in violent crimes in Fairfax County, Virginia.

The Task Force will attempt to disrupt illicit firearms trafficking and narcotics trafficking in Fairfax County by identifying, targeting, arresting, and referring prosecution traffickers, suppliers, and trafficking organizations while seizing illicit firearms. Members of the Task Force will develop human intelligence and confidential informants to identify and target individuals and organizations, both in and out of the Fairfax County geographic boundaries, responsible for illicit firearms trafficking and violent crime. The activities will include conducting undercover operations, when appropriate, and engaging in other traditional methods of criminal investigation to ensure the Task Force’s activities result in the effective prosecution of offenders in federal and/or state court.

Task force officers (TFOs) will be assigned to the ATF Falls Church Field Office. The day-to-day supervision and administrative control of TFOs will be the mutual responsibility of the participants, with the ATF Special Agent in Charge or his/her designee having, or the Resident Agent in Charge of the designated field office, operational control over all operations related to this Task Force. TFOs shall remain subject to their respective agencies' policies and shall report to their respective agencies regarding matters unrelated to this agreement/task force. Regarding matters related to the Task Force, TFOs will be subject to Federal law and Department of Justice and ATF orders, regulations, and policies, including those related to standards of conduct, sexual harassment, equal opportunity issues, and Federal disclosure laws.

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The participating agencies agree that any Federal authority that a deputation may confer is limited to activities supervised by ATF and will terminate when this MOU is terminated or when the deputized TFOs leave the Task Force or at the discretion of ATF.

An ATF supervisor or designee will be empowered with designated oversight for investigative and personnel matters related to the Task Force. It will be responsible for opening, monitoring, directing, and closing Task Force investigations in accordance with ATF policy and the applicable United States Attorney General's Guidelines.

All TFOs will comply with ATF and the Department of Justice's (DOJ's) Use of Force orders and policies. TFOs must be briefed on ATF's and DOJ's Use of Force policy by an ATF official, who will be provided with a copy of such policy. Body Worn Cameras (BWCs) may be worn by TFOs operating on a Federal Task Force when their parent agency mandates their use by personnel assigned to the task force. In such cases, the TFO and parent agency shall comply with all DOJ and ATF policies, as well as the required procedures, documentation, and reporting while participating in the task force. During the period of the MOU, participating agencies will provide for the salary and employment benefits of their respective employees. All participating agencies will retain control over their employees' work hours, including the approval of overtime. The MOU provides that proceeds from forfeitures will be shared, with sharing percentages based upon the U.S. Department of Justice Asset Forfeiture policies on equitable sharing of assets, such as determining the level of involvement by each participating agency. Task Force assets seized through administrative forfeiture will be distributed in equitable amounts based upon the number of full-time persons committed by each participating agency.

ATF acknowledges that the United States is liable for the wrongful or negligent acts or omissions of its officers and employees, including TFOs, while on duty and acting within the scope of their federal employment, to the extent permitted by the Federal Tort Claims Act, 28 U.S.C. sections 1346(b), 2672-2680.

Except as otherwise provided, the parties agree to be solely responsible for the negligent or wrongful acts or omissions of their respective employees and will not seek financial contributions from the other for such acts or omissions. Legal representation by the United States for individual capacity claims is determined by the United States Department of Justice on a case-by-case basis. ATF cannot guarantee the United States will provide legal representation to any state or local law enforcement officer. This MOU is effective with the signatures of all parties and terminates at the close of business on September 30, 2028. It shall be deemed terminated at the time all participating agencies withdraw and ATF elects not to replace such members or, in the event that ATF unilaterally terminates the MOU upon 90 days written notice to all the remaining participating agencies.

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RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Chief of Police to sign the MOU between the ATF and the FCPD.

TIMING:

Board action is requested on May 21, 2024.

BACKGROUND:

Recognizing the regionality of violent crime, firearms trafficking, and narcotics trafficking, the Task Force combines area resources to combat violent crimes in the region and will provide mutual aid for more efficient enforcement of laws. These crimes have a substantial and detrimental effect on the health and welfare of our communities. The cooperative effort between the ATF and FCPD would be advantageous in disrupting illicit activities.

Chief Davis has reviewed the MOU and has made a written finding, in accordance with the Trust Policy, that:

The terms and conditions requiring the potential sharing of confidential and/or personal information contained in the proposed Reciprocal Agreement between the ATF and the Fairfax County Police Department are required to fulfill the Fairfax County Police Department's mission and/or obligations, and disclosure of such information is limited to the extent required to fulfill such mission or obligation.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding Between the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and Fairfax County Police Department

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STAFF:

Thomas Arnold, Deputy County Executive

Kevin Davis, Chief of Police, Police Department

Karol Escalante, Director of Immigrant Community Affairs, Office of the County Executive

ASSIGNED COUNSEL:

Kimberly P. Baucom, Deputy County Attorney

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF),

And

FAIRFAX COUNTY POLICE DEPARTMENT

This Memorandum of Understanding (“MOU”) is entered into by and between the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and the Fairfax County Police Department (“FCPD”) as it relates to the Northern Virginia Violent Crime Task Force (herein referred to as the “Task Force”).

BACKGROUND

The mission of the Task Force will be to investigate the violent crimes associated with firearms and narcotics trafficking in Fairfax County, Virginia.

The Task Force will investigate the possession, origin, and ownership of firearms used in the commission of violent crimes or in defense of illegal narcotics operations. The mission will involve developing criminal intelligence from law enforcement sources throughout the nation, as well as from citizen tips and confidential sources, and identifying licensed and unlicensed dealers responsible for participation in the sale and distribution of firearms utilized in violent crimes in Fairfax County, Virginia. The Task Force will coordinate its efforts with federal, state, and local prosecutors to ensure optimum case strategy and maximize penal exposure to all responsible subjects.

AUTHORITIES

The authority to investigate and enforce offenses under provisions of this MOU are found at 28 U.S.C. § 599A, 28 C.F.R. §§ 0.130, 0.131, and 18 U.S.C. § 3051.

PURPOSE

The Task Force will perform the activities and duties described below:

- a. Disrupt illicit firearms trafficking and narcotics trafficking in Fairfax County, Virginia by identifying, targeting, arresting, and referring for prosecution traffickers, suppliers, and trafficking organizations, while seizing illicit firearms.

- b. Conduct undercover operations, when appropriate, and engage in other traditional methods of criminal investigation to ensure the Task Force's activities result in the effective prosecution of offenders in federal and/or state court.
- c. Develop human intelligence and confidential informants for the purpose of identifying and targeting individuals and organizations responsible for illicit firearms trafficking and violent crime.
- d. Target, investigate, apprehend, and refer for prosecution those individuals and groups supplying illicit firearms to Fairfax County, Virginia from outside the geographic boundaries.

MEASUREMENT OF SUCCESS

The success of this initiative will be measured by the participating agencies' willingness to share certain information, (i.e., crime statistics) for the purpose of measuring the success of the Task Force as well as its performance.

PHYSICAL LOCATION

Officers/troopers/agents assigned to this Task Force by their employer shall be referred to as task force officers (TFOs). TFOs will be assigned to the ATF Falls Church Field Office, and will be located at 7799 Leesburg Pike, Suite 1050N, Falls Church, Virginia 22043.

SUPERVISION AND CONTROL

The day-to-day supervision and administrative control of TFOs will be the mutual responsibility of the participants, with the ATF Special Agent in Charge or his/her designee having, or the Resident Agent in Charge of the designated field office, operational control over all operations related to this Task Force.

TFOs shall remain subject to their respective agencies' policies and shall report to their respective agencies regarding matters unrelated to this agreement/task force. Regarding matters related to the Task Force, TFOs will be subject to Federal law and Department of Justice and ATF orders, regulations and policies, including those related to standards of conduct, sexual harassment, equal opportunity issues, and Federal disclosure laws.

Failure to comply with this section could result in a TFO's dismissal from the Task Force.

PERSONNEL, RESOURCES AND SUPERVISION

To accomplish the objectives of the Task Force, ATF will assign Special Agents to the Task Force. ATF will also, subject to the availability of funds, provide necessary funds and equipment to support the activities of the ATF Special Agents and TFOs assigned to the Task Force. This

support may include office space, office supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training, and other support items.

Each participating agency agrees to make available to its assigned task members any equipment ordinarily assigned for use by that agency. In the event ATF supplies equipment (which may include vehicles, weapons, or radios), TFOs must abide by any applicable ATF property orders and policy and may be required to enter into a separate agreement for their use.

To accomplish the objectives of the Task Force, the FCPD will consider detailing fulltime TFOs and/or part time Special Deputies to the Task Force for a period of not less than two (2) years. The TFOs will be assigned to the Falls Church Group II Field Office out of the Washington Field Division.

All full-time TFOs shall qualify with their respective firearms by complying with ATF's Firearms and Weapons Policy.

SECURITY CLEARANCES

All TFOs will undergo a security clearance and background investigation, and ATF shall bear the costs associated with those investigations. TFOs must not be the subject of any ongoing investigation by their department or any other law enforcement agency, and past behavior or punishment, disciplinary, punitive, or otherwise, may disqualify one from eligibility to join the Task Force. ATF has final authority as to the suitability of TFOs for inclusion on the Task Force.

DEPUTATIONS

ATF, as the sponsoring Federal law enforcement agency, will require that the participating agency's TFOs be deputized by the U.S. Marshals Service to extend their jurisdiction, to include applying for and executing Federal search and arrest warrants, and requesting and executing Federal grand jury subpoenas for records and evidence involving violations of Federal laws.

A TFO will not be considered for Department of Justice legal representation if named as a defendant in an individual-capacity lawsuit alleging constitutional violations unless all deputation paperwork has been completed and approved prior to the event(s) at issue in the lawsuit.

The participating agencies agree that any Federal authority that may be conferred by a deputation is limited to activities supervised by ATF and will terminate when this MOU is terminated or when the deputized TFOs leave the Task Force, or at the discretion of ATF.

ASSIGNMENTS, REPORTS, AND INFORMATION SHARING

An ATF supervisor or designee will be empowered with designated oversight for investigative and personnel matters related to the Task Force and will be responsible for opening, monitoring, directing, and closing Task Force investigations in accordance with ATF policy and the applicable United States Attorney General's Guidelines.

Assignments will be based on, but not limited to, experience, training, and performance, in addition to the discretion of the ATF supervisor.

All investigative reports will be prepared utilizing ATF's investigative case management system, (N-Force and/or Spartan) utilizing ATF case report numbers. The participating agency will share investigative reports, findings, intelligence, etc., in furtherance of the mission of this agreement, to the fullest extent allowed by law. For the purposes of uniformity, there will be no duplication of reports, but rather a single report prepared by a designated individual which can be duplicated as necessary. Every effort should be made to document investigative activity on ATF Reports of Investigation (ROI), unless otherwise agreed to by ATF and the participating agency(ies). This section does not preclude the necessity of individual TFOs to complete forms required by their employing agency.

Information will be freely shared among the TFOs and ATF personnel with the understanding that all investigative information will be kept strictly confidential and will only be used in furtherance of criminal investigations. No information gathered during the course of the Task Force, to include informal communications between TFOs and ATF personnel, may be disseminated to any third party, non-task force member by any task force member without the express permission of the ATF Special Agent in Charge or his/her designee.

Any public requests for access to the records or any disclosures of information obtained by task force members during Task Force investigations will be handled in accordance with applicable federal statutes, regulations, and policies pursuant to the Freedom of Information Act and the Privacy Act, and other applicable federal and/or state statutes and regulations.

INVESTIGATIVE METHODS

The parties agree to utilize Federal standards pertaining to evidence handling and electronic surveillance activities to the greatest extent possible. However, in situations where state or local laws are more restrictive than comparable Federal law, investigative methods employed by state and local law enforcement agencies shall conform to those requirements, pending a decision as to a venue for prosecution.

The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policy and procedures of ATF. All Task Force operations will be conducted and reviewed in accordance with applicable ATF and Department of Justice policy and guidelines.

None of the parties to this MOU will knowingly seek investigations under this MOU that would cause a conflict with any ongoing investigation of an agency not party to this MOU. It is incumbent upon each participating agency to notify its personnel regarding the Task Force's areas of concern and jurisdiction. All law enforcement actions will be coordinated and cooperatively carried out by all parties to this MOU.

INFORMANTS

ATF guidelines and policy regarding the operation of informants and cooperating witnesses will apply to all informants and cooperating witnesses directed by TFOs.

Informants developed by TFOs may be registered as informants of their respective agencies for administrative purposes and handling. The policies and procedures of the participating agency for handling informants will apply to all informants that the participating agency registers. In addition, it will be incumbent upon the registering participating agency to maintain a file with respect to the performance of all informants or witnesses it registers. All information obtained from an informant and relevant to matters within the jurisdiction of this MOU will be shared with all parties to this MOU. The registering agency will pay all reasonable and necessary informant expenses for each informant that a participating agency registers.

DECONFLICTION

Each participating agency agrees that the deconfliction process requires the sharing of certain operational information with the Task Force, which, if disclosed to unauthorized persons, could endanger law enforcement personnel and the public. As a result of this concern, each participating agency agrees to adopt security measures set forth herein:

- a. Each participating agency will assign primary and secondary points of contact.
- b. Each participating agency agrees to keep its points of contact list updated.

The points of contact for this Task Force are:

ATF: John P. Cooney, Resident Agent in Charge

Fairfax County Police Department: Nicholas Salvado

EVIDENCE

Evidence will be maintained by the lead agency having jurisdiction in the court system intended for prosecution. Evidence generated from investigations initiated by a TFO or ATF special agent intended for Federal prosecution will be placed in the ATF designated vault, using the procedures found in ATF orders.

All firearms seized by a TFO must be submitted for fingerprint analysis and for a National Integrated Ballistic Information Network (NIBIN) examination. Once all analyses are completed, all firearms seized under Federal law shall be placed into the ATF designated vault for proper storage. All firearms information/descriptions taken into ATF custody must be submitted to ATF's National Tracing Center.

JURISDICTION/PROSECUTIONS

Cases will be reviewed by the ATF Special Agent in Charge or his/her designee in consultation with the participating agency and the United States Attorney's Office and appropriate state's attorney offices, to determine whether cases will be referred for prosecution to the U.S. Attorney's

Office or to the relevant state's attorney's office. This determination will be based upon which level of prosecution will best serve the interests of justice and the greatest overall benefit to the public. Any question that arises pertaining to prosecution will be resolved through discussion among the investigative agencies and prosecuting entities having an interest in the matter.

In the event that a state or local matter is developed that is outside the jurisdiction of ATF or it is decided that a case will be prosecuted on the state or local level, ATF will provide all relevant information to state and local authorities, subject to Federal law. Whether to continue investigation of state and local crimes is at the sole discretion of the state or local participating agency.

USE OF FORCE

All TFOs will comply with ATF and the Department of Justice's (DOJ's) Use of Force orders and policies. TFOs must be briefed on ATF's and DOJ's Use of Force policy by an ATF official and will be provided with a copy of such policy.

BODY WORN CAMERAS AND TASK FORCE OFFICERS

In accordance with ATF Order 3020.4, dated June 2, 2022, and incorporated herein, Body Worn Cameras (BWCs) may be worn by TFOs operating on a Federal Task Force when their parent agency mandates their use by personnel assigned to the task force. In such cases, the TFO and parent agency shall comply with all DOJ and ATF policies, and the required procedures, documentation, and reporting while participating on the task force.

MEDIA

Media relations will be handled by ATF and the U.S. Attorney's Office's public information officers in coordination with each participating agency. Information for press releases will be reviewed and mutually agreed upon by all participating agencies, who will take part in press conferences. Assigned personnel will be informed not to give statements to the media concerning any ongoing investigation or prosecution under this MOU without the concurrence of the other participants and, when appropriate, the relevant prosecutor's office.

All personnel from the participating agencies shall strictly adhere to the requirements of Title 26, United States Code, § 6103. Disclosure of tax return information and tax information acquired during the course of investigations involving National Firearms Act (NFA) firearms as defined in 26 U.S.C., Chapter 53 shall not be made except as provided by law.

SALARY/OVERTIME COMPENSATION

During the period of the MOU, participating agencies will provide for the salary and employment benefits of their respective employees. All participating agencies will retain control over their employees' work hours, including the approval of overtime.

ATF may have funds available to reimburse overtime to the state and local TFO's agency, subject to the guidelines of the Department of Justice Asset Forfeiture Fund. This funding would be

available under the terms of a memorandum of agreement (MOA) established pursuant to the provisions of 28 U.S.C. section 524. The participating agency agrees to abide by the applicable Federal law and policy regarding the payment of overtime from the Department of Justice Asset Forfeiture Fund. The participating agency must be recognized under state law as a law enforcement agency and their officers/ troopers/investigators as sworn law enforcement officers. If required or requested, the participating agency shall be responsible for demonstrating to the Department of Justice that its personnel are law enforcement officers for the purpose of overtime payment from the Department of Justice Asset Forfeiture Fund. **This MOU is not a funding document.**

In accordance with these provisions and any MOA on asset forfeiture, the ATF Special Agent in Charge or designee shall be responsible for certifying reimbursement requests for overtime expenses incurred as a result of this agreement.

AUDIT INFORMATION

Operations under this MOU are subject to audit by ATF, the Department of Justice's Office of the Inspector General, the Government Accountability Office, and other Government-designated auditors. Participating agencies agree to permit such audits and to maintain all records relating to Department of Justice Asset Forfeiture Fund payments for expenses either incurred during the course of this Task Force or for a period of not less than three (3) years and, if an audit is being conducted, until such time that the audit is officially completed, whichever is greater.

FORFEITURES/SEIZURES

All assets seized for administrative forfeiture will be seized and forfeited in compliance with the rules and regulations set forth by the U.S. Department of Justice Asset Forfeiture guidelines. When the size or composition of the item(s) seized make it impossible for ATF to store it, any of the participating agencies having the storage facilities to handle the seized property agree to store the property at no charge and to maintain the property in the same condition as when it was first taken into custody. The agency storing said seized property agrees not to dispose of the property until authorized to do so by ATF.

The MOU provides that proceeds from forfeitures will be shared, with sharing percentages based upon the U.S. Department of Justice Asset Forfeiture policies on equitable sharing of assets, such as determining the level of involvement by each participating agency. Task Force assets seized through administrative forfeiture will be distributed in equitable amounts based upon the number of full-time persons committed by each participating agency. Should it become impossible to separate the assets into equal shares, it will be the responsibility of all the participating agencies to come to an equitable decision. If this process fails and an impasse results ATF will become the final arbitrator of the distributive shares for the participating agencies.

DISPUTE RESOLUTION

In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the Task Force's goals and objectives. The parties to this MOU agree to attempt to resolve any disputes regarding jurisdiction, case assignments and workload at the lowest level possible.

LIABILITY

ATF acknowledges that the United States is liable for the wrongful or negligent acts or omissions of its officers and employees, including TFOs, while on duty and acting within the scope of their federal employment, to the extent permitted by the Federal Tort Claims Act, 28 U.S.C. sections 1346(b), 2672-2680.

Claims against the United States for injury or loss of property, personal injury, or death arising or resulting from the negligent or wrongful act or omission of any Federal employee while acting within the scope of his or her office or employment are governed by the Federal Tort Claims Act, (unless the claim arises from a violation of the Constitution of the United States, or a violation of a statute of the United States under which other recovery is authorized).

Except as otherwise provided, the parties agree to be solely responsible for the negligent or wrongful acts or omissions of their respective employees and will not seek financial contributions from the other for such acts or omissions. Legal representation by the United States for individual capacity claims is determined by the United States Department of Justice on a case-by-case basis. ATF cannot guarantee the United States will provide legal representation to any state or local law enforcement officer.

Liability for any negligent or willful acts of any agent or officer undertaken outside the terms of this MOU will be the sole responsibility of the respective agent or officer and agency involved.

DURATION

This MOU is effective with the signatures of all parties and terminates at the close of business on September 30, 2028.

This MOU supersedes previously signed MOUs and shall remain in effect until the aforementioned expiration date or until it is terminated in writing (to include electronic mail and facsimile), whichever comes first. All participating agencies agree that no agency shall withdraw from the Task Force without providing ninety (90) days written notice to other participating agencies. If any participating agency withdraws from the Task Force prior to its termination, the remaining participating agencies shall determine the distributive share of assets for the withdrawing agency, in accordance with Department of Justice guidelines and directives.

This MOU shall be deemed terminated at the time all participating agencies withdraw and ATF elects not to replace such members, or in the event ATF unilaterally terminates the MOU upon 90 days written notice to all the remaining participating agencies.

MODIFICATIONS

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ACTION - 2

Authorization to Execute an Amendment to a Project Administration Agreement with the Virginia Department of Transportation for Implementation of the Columbia Pike Complete Streets Phase I Project (Mason District)

ISSUE:

Board of Supervisors' authorization for the Director of the Fairfax County Department of Transportation (FCDOT) to execute an Amendment to a Project Administration Agreement (PAA) with the Virginia Department of Transportation (VDOT) for the implementation of Columbia Pike Complete Streets Phase I (Project). The amendment is needed to support the updated estimated project cost.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution (Attachment 1), authorizing the Director of FCDOT to execute an amendment to the PAA with VDOT, substantially in the form of Attachment 2, which will secure full funding for the Project.

TIMING:

Board approval is requested on May 21, 2024, to enable staff to continue progress on the Project.

BACKGROUND:

The Columbia Pike Complete Streets Phase I project will add a sidewalk along the south side of Columbia Pike from Backlick Road to Tom Davis Drive and add a crosswalk and curb ramps crossing Columbia Pike at the west leg of Tom Davis Drive. On March 9, 2021, the Board approved the original agreement (Attachment 3) with VDOT, with an original project estimate of \$975,000. The estimate was based on, and at the time limited to, the amount of grant funding expected to be received from the federal Transportation Alternatives Set-Aside program, and included a Local Cash Match, with an 80/20 split respectively.

After furthering the initial design of the Project, VDOT and County staff have revised the estimate to \$2,022,859 to match the actual expected preliminary engineering, right-of-way, and construction costs. The changes in the estimate are primarily related to more detailed information regarding the preliminary engineering and right-of-way phases. As indicated by the original agreement, this is a limited funds project and the locality is

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responsible for funding in excess of what is supported by the Transportation Alternatives Set-Aside.

EQUITY IMPACT:

The Project was previously approved for funding by the Board in March 2021, and a community information meeting was held on January 23, 2023, to discuss the preliminary design for the project. The south side of Columbia Pike from Backlick Road to Tom Davis Drive lies in a high vulnerability index area. Adding sidewalks, crosswalks, and curb ramps will increase accessibility and promote a multimodal transportation system that supports economic growth, health, congestion mitigation, prosperity, and accessible mobility solutions. As such, the Project related to this Board Item has the potential to advance equity.

FISCAL IMPACT:

The revised total project estimate is \$2,022,859. Current funding appropriated to the project includes \$701,134 in federal Transportation Alternatives Set-Aside funds in grant 1400159-2021, Columbia Pike Complete Streets Phase I, in Fund 50000, Federal-State Grant Fund; and \$195,000 in Local Cash Match provided by Fund 40010, County and Regional Transportation Projects, in Project 2G40-188-000, Columbia Pike Complete Streets Phase I. Staff proposes the additional \$1,047,859 required to meet the new estimate be provided by Project 2G40-001-000, Construction Reserve, from Fund 40010, County and Regional Transportation Projects. Staff will request an increased appropriation for the local share of this Project as part of the *FY 2024 Carryover Review*. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution to Execute Agreement Amendment
Attachment 2 – Revised Project Administration Agreement
Attachment 3 – Original Project Administration Agreement

STAFF:

Rachel Flynn, Deputy County Executive
Gregg Stevenson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
W. Todd Minnix, Chief, Transportation Design Division, FCDOT
Lauren Delmare, Chief, Active Transportation Section, FCDOT

Board Agenda Item
May 21, 2024

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

RESOLUTION

AGREEMENT EXECUTION RESOLUTION
A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX,
VIRGINIA
FOR THE EXECUTION OF AN AGREEMENT AMENDMENT FOR THE COLUMBIA PIKE
COMPLETE STREETS PHASE I PROJECT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, May 21, 2024, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project(s), if not already established, in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project(s), if not already established, for the funding of the Columbia Pike Complete Streets Phase I project, VDOT project number EN20-029-497, UPC 118238 (“Project”).

FURTHER BE IT RESOLVED, that the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the Project Administration Agreement Amendment (Appendix A, Revision 1 for UPC 118238, attached) executed pursuant to this resolution.

FURTHER BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of the Fairfax County Department of Transportation, or designee, to execute, on behalf of the County of Fairfax, the PAA amendment, and subsequent amendments, with the Virginia Department of Transportation, for the funding of the Project.

ADOPTED this 21st day of May, 2024

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Appendix A Revision 1

Date: 2/1/2024

Project Number: EN20-029-497 UPC: 118238 CFDA # 20.205 Locality: Fairfax County

Project Location ZIP+4: 22003-3109	Locality UEI #: W2ZUFMBDM378	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, VA 22033-2867
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Project Narrative

Work Description:	COLUMBIA PIKE COMPLETE STREETS - PHASE I: This project adds a sidewalk along the south side of Columbia Pike from Backlick Road to Tom Davis Drive and a crosswalk across Columbia Pike at Tom Davis Drive as the first phase in redesigning Columbia Pike following Complete Streets principles.		
From:	Backlick Road		
To:	Tom Davis Drive		
Locality Project Manager Contact info:	Latesa Turner 703-877-5834	Latesa.Turner@fairfaxcounty.gov	
Department Project Coordinator Contact Info:	Susie Lue 703-259-2918	Susie.Lue@vdot.virginia.gov	

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$480,166	\$868,160	\$595,133	\$1,943,459
Estimated VDOT Project Expenses	\$60,600	\$6,250	\$12,550	\$79,400
Estimated Total Project Costs	\$540,766	\$874,410	\$607,683	\$2,022,859

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$540,766	Transportation Alternatives	20%	\$108,153	\$432,613	\$372,013
Total PE	\$540,766			\$108,153	\$432,613	
Right of Way & Utilities	\$409,234	Transportation Alternatives	20%	\$81,847	\$327,387	\$321,137
	\$465,176	Local Funds	100%	\$465,176	\$0	
Total RW	\$874,410			\$547,023	\$327,387	
Construction	\$582,683	Local Funds	100%	\$582,683	\$0	\$7,450
	\$25,000	Transportation Alternatives	20%	\$5,000	\$20,000	
Total CN	\$607,683			\$587,683	\$20,000	
Total Estimated Cost	\$2,022,859			\$1,242,859	\$780,000	\$700,600

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$780,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$700,600

Project Financing

Transportation Alternatives	Local Funds	Transportation Alternatives Local Match			Aggregate Allocations
\$780,000	\$1,047,859	\$195,000			\$2,022,859

Program and Project Specific Funding Requirements

- This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$780,000
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act including, but not limited to, basic coordination for cultural resources, basic clearances for threatened and endangered species, and any necessary certifications, recertifications, and/or reevaluations. The LOCALITY is responsible for tracking, implementing, and completing all environmental commitments associated with the project. In addition, the LOCALITY is responsible for obtaining any water quality permits, submitting a signed EQ-555 for natural resources due diligence, conducting any required hazardous materials efforts, and submitting a signed EQ-121 for hazardous materials due diligence (all submittals are to be in accordance with the LAP Manual). VDOT's estimated cost for preparing the environmental document and necessary supporting studies, including certifications, recertifications and/or reevaluations, will be provided to the LOCALITY and deducted from the Project funds.
- For Transportation Alternatives (TA) Projects, the LOCALITY shall maintain the Project or have it maintained in a manner satisfactory to the DEPARTMENT for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TA funded improvement prior to the expectations as identified in the TA Guide, may require repayment of federal funds.
- In accordance with CTB policy, the Project must be under construction by November 1, 2024 or the federal Transportation Alternatives (TA) funding may be subject to de-allocation.
- This Appendix A supersedes all previous versions signed by VDOT and the LOCALITY.

This attachment is certified and made an official attachment to this document by the parties to this agreement.

Authorized Locality Official Date

Authorized VDOT Official Date

Typed or printed name of person signing

Typed or printed name of person signing

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN20-029-497 Columbia Pike Complete Streets - Ph1	118238	Fairfax County

THIS AGREEMENT, made and executed in triplicate this 5 day of May, 2021, by and between the County of Fairfax, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY'S administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the LOCALITY. For federally funded projects and pursuant to 2 CFR 200.338, Remedies for Noncompliance, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the LOCALITY expends over \$750,000 annually in federal funding, such certification shall include a copy of

the LOCALITY's single program audit in accordance with 2 CFR 200.501, Audit Requirements.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination; and as a sub-recipient of federal funds, adopt and operate under the DEPARTMENT's FHWA-approved Disadvantaged Business Enterprise (DBE) Program Plan in accordance with 49 CFR Part 26.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

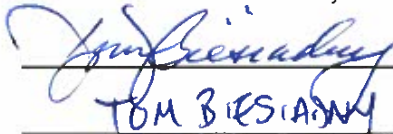
THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF FAIRFAX, VIRGINIA:



Typed or printed name of signatory

Director
Department of Transportation Date *4/16/21*

Title


_____ Date *4/16/2021*

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:


_____ Date *5/5/21*

Chief of Policy

Date

Commonwealth of Virginia
Department of Transportation


_____ Date *5/5/2021*

Signature of Witness

Date

Attachments

Appendix A – UPC 118238

Appendix A

Date: 12/17/2020

Project Number: EN20-029-497 UPC: 118238 CFDA # 20.205 Locality: Fairfax County
 Columbia Pike Complete Streets - Ph 1

Project Location ZIP+4: 22003-3109	Locality DUNS # 74837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, VA 22033-2895
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Project Narrative	
Work Description:	Columbia Pike Complete Streets - Phase 1. Add sidewalk along the south side of Columbia Pike from Backlick Road to Tom Davis Drive, and a crosswalk across Columbia Pike at Tom Davis Drive.
From:	Backlick Road
To:	Tom Davis Drive
Locality Project Manager Contact Info:	Chris Wells 703-877-5772 Chris.Wells@fairfaxcounty.gov
Department Project Coordinator Contact Info:	Susie Lue 703-259-2918 Susie.Lue@vdot.virginia.gov

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$44,934	\$125,000	\$726,200	\$896,134
Estimated VDOT Project Expenses	\$60,066	\$6,250	\$12,550	\$78,866
Estimated Total Project Costs	\$105,000	\$131,250	\$738,750	\$975,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$105,000	Transportation Alternatives	20%	\$21,000	\$84,000	
				\$0	\$0	
Total PE	\$105,000			\$21,000	\$84,000	\$23,934
Right of Way & Utilities	\$131,250	Transportation Alternatives	20%	\$26,250	\$105,000	
				\$0	\$0	
Total RW	\$131,250			\$26,250	\$105,000	\$98,750
Construction	\$738,750	Transportation Alternatives	20%	\$147,750	\$591,000	
				\$0	\$0	
Total CN	\$738,750			\$147,750	\$591,000	\$578,450
Total Estimated Cost	\$975,000			\$195,000	\$780,000	\$701,134

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$780,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$701,134

Project Financing						
Transportation Alternatives - Federal (80%)	Local Match (20%)					Aggregate Allocations
\$780,000	\$195,000					\$975,000

- Program and Project Specific Funding Requirements**
- This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Transportation Alternatives Program Guide.
 - In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality shall complete project scoping on or before 11/22/2021.
 - This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$780,000
 - Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
 - Eligible VDOT Project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests.
 - Any ineligible items identified throughout Project development will not be reimbursable.
 - The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act including, but not limited to, basic coordination for cultural resources, basic clearances for threatened and endangered species, and any necessary certifications, recertifications, and/or reevaluations. The LOCALITY is responsible for tracking, implementing, and completing all environmental commitments associated with the project. In addition, the LOCALITY is responsible for obtaining any water quality permits, submitting a signed EQ-555 for natural resources due diligence, conducting any required hazardous materials efforts, and submitting a signed EQ-121 for hazardous materials due diligence (all submittals are to be in accordance with the LAP Manual). VDOT's estimated cost for preparing the environmental document and necessary supporting studies, including certifications, recertifications and/or reevaluations, will be provided to the LOCALITY and deducted from the Project funds.
 - For Transportation Alternatives (TA) Projects, the LOCALITY shall maintain the Project or have it maintained in a manner satisfactory to the DEPARTMENT for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TA funded improvement prior to the expectations as identified in the TA Guide, may require repayment of federal funds.
 - All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
 - In accordance with CTB policy, the Project must be under construction by November 1, 2024 or the federal Transportation Alternatives (TA) funding may be subject to de-allocation.

This attachment is certified and made an official attachment to this document by the parties to this agreement.


 Authorized Locality Official Date 4/16/21


 Authorized VDOT Official Date 4/29/21

Tom Biesiadny

Ray Burkhardt

Typed or printed name of person signing

Typed or printed name of person signing

Revised: February 1, 2019

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on March 9, 2021, at which meeting a quorum was present and voting, the following resolution was adopted.

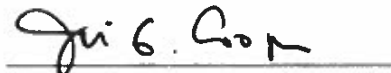
AGREEMENT EXECUTION RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of the Department of Transportation to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the for the Implementation of Columbia Pike Complete Streets Phase I Transportation Alternatives Funded Project by the County of Fairfax.

ADOPTED this 9th day of March, 2021.

A Copy – Teste:



Jill G. Cooper

Clerk for the Board of Supervisors

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21223

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on March 9, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2021, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G4040, Department of Transportation	
Grants:	1400157-2021, Shreveewood Elementary Safe Routes to School,	\$507,470
	1400158-2021, Orange Hunt Elementary Safe Routes to School,	\$140,033
	1400159-2021, Columbia Pike Complete Streets Phase I,	\$701,134

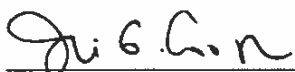
Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$1,348,637
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Department of Transportation, \$1,348,637

ADOPTED this 9th day of March, 2021.

A Copy – Teste:



Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
May 21, 2024

ACTION - 3

Approval of a Resolution Approving Amendments to the Sewer 1985 General Bond Resolution

ISSUE:

Board approval of a resolution approving amendments to the Sewer 1985 General Bond Resolution, including the full release of the Sewer Debt Service Reserve Subfund.

RECOMMENDATION:

The County Executive recommends approval of the resolution included as Attachment 1 and the full release of the Sewer Debt Service Reserve Subfund.

TIMING:

Board action is requested on May 21, 2024.

BACKGROUND:

Fairfax County's Sewer Revenue Bonds are governed by the Sewer 1985 General Bond Resolution. The resolution covers guiding legal provisions, in addition to financial guidelines that relate to the County's issuance of Sewer Revenue bonds. Some of these components include the following:

- Rate Covenant - after payment of annual operating and maintenance costs, sets a threshold for net revenues required to be generated, and then divided by debt service.
- Additional Bonds Test - requires the forecasting of certain financial metrics to be maintained prior to authorizing the issuance of additional Sewer Revenue bonds. This check and balance approach is used to ensure new debt service payments are affordable before new debt is issued.
- Debt Service Reserve Subfund – established as an additional form of security to bond holders in the event there are insufficient net revenues of the system to pay debt service.
- Conditions under which the resolution may be amended.

Board Agenda Item
May 21, 2024

Debt Service Reserve Subfund (DSRF)

When the County issues a new money Sewer Revenue bond, such as the Sewer Revenue Bonds Series 2024A, a DSRF calculation is required to determine any required increase in the size of the DSRF. The resulting figure is then taken into account in sizing the bond issue, with bond proceeds in such amount deposited into the DSRF at closing. The DSRF requirement is currently equal to the lesser of the Maximum Annual Debt Service (MADS) in any fiscal year and 125 percent of average annual debt service for all outstanding bonds on the system. The current balance in the DSRF is approximately \$35 million. An additional \$3 million deposit was required to be included for the Series 2024A Bonds. Thus, the revised balance in the DSRF after the 2024A deposit is approximately \$38 million. There are limited circumstances under which the DSRF can be accessed, namely, when net revenues of the system are insufficient to make the required debt service payments on the County's senior lien bonds. If the DSRF is never accessed, the balance can be used to fund the last year of debt service on the bonds.

Since the inception of the DSRF as mandated by the Sewer 1985 General Bond Resolution, it has never been utilized to date. However, it has continued to grow incrementally and increases the overall cost of every new money borrowing.

As the municipal bond market has evolved, investor requirements for General Bond Resolutions have also evolved. In the current market, a DSRF provides no discernable benefit to already strong financial enterprise credits, generally those issuers with bond ratings rated double-A or higher, as the likelihood of using it is incredibly low. The County's Sewer Revenue Bonds hold triple-A bond ratings from all three major bond rating agencies. If the Sewer Fund were to start with a new General Bond Resolution today, the County's Financial Advisor would not recommend including a DSRF requirement.

Bond Rating Agency Financial Review - DSRF

The County's Financial Advisor has also reviewed the three bond rating agencies' internal ratings criteria for a DSRF and has concluded the impact is immaterial. For Standard & Poor's and Fitch, a DSRF is not an explicit credit factor for highly rated issuers such as Fairfax County. For Moody's, the DSRF requirement is 5 percent of the total score, thus the absence of a DSRF only slightly weakens this category.

Sewer Bond Resolution – Proposed Changes

Per the aforementioned factors, County staff in consultation with its Financial Advisor recommend amending the Sewer 1985 General Bond Resolution to authorize the County to reduce or eliminate the DSRF requirement and make one other minor update. Once the amendments are effective, two revisions would occur. First, the DSRF requirement on prior bonds could be eliminated. For future bond sales or at any other time after the adoption of the amendments, the County would retain discretion to fund

Board Agenda Item
May 21, 2024

the DSRF in a manner to be determined in its future discretion. While this is highly unlikely, it does allow flexibility if there are future shifts in the municipal bond market. Staff also recommend minor adjustments to the definition of Operating Expenses to align with the Governmental Accounting Standards Board (GASB) recent changes in expense recognition.

The County is not alone in requesting changes to its Sewer General Bond Resolution. Other Virginia enterprise fund issuers who have completed the same process include Norfolk Water, Henrico County Water and Sewer, and the Hampton Roads Sanitation District.

Bondholder Consent to Amendments for the Sewer 1985 General Bond Resolution

On May 12, 2021, the County conducted a bond sale for the Sewer Revenue Bonds, Series 2021A and a refunding bond sale for the Sewer Revenue Refunding Bonds, Series 2021B. Related to this bond sale, County staff received Board approval on May 4, 2021, to solicit bondholder consent to proposed amendments to the Sewer 1985 General Bond Resolution. The primary amendment sought to reduce or eliminate the DSRF requirement. The bondholder consent process requires a majority of outstanding bondholders, more than 50 percent, to approve these changes within a three-year period that expires in May 2024. As a condition to buying the Series 2021A and Series 2021B, all bondholders provided written consent to the proposed amendments. This translated to 43 percent of outstanding bondholders.

On March 21, 2024, the County conducted a bond sale for the Sewer Revenue Bonds, Series 2024A via a negotiated sale to generate \$136.9 million in new money bond proceeds, and a \$3.0 million deposit to the DSRF. Morgan Stanley underwrote the bonds at an interest cost of 4.03 percent. County staff proceeded with the same bondholder consent process for the Sewer Revenue Bonds, Series 2024A, which was also included in the Bond Resolution approved by the Board of Supervisors at the March 5, 2024, Board meeting. This approach allowed the County to surpass the majority of outstanding bond holder requirement at 57.4 percent to eliminate the DSRF. Since the additional bond holder consent requirements were achieved as part of the bond sale, this item requests the full release of the DSRF. The funds will be used in the same manner as any tax-exempt bond proceeds, namely payment for Sewer capital projects.

EQUITY IMPACT:

There is no adverse equity impact resulting from the staff recommendation. Eliminating the DSRF requirement and releasing those funds extends the utilization of existing sewer revenues to fund sanitary sewer improvements that protect human health and the environment.

Board Agenda Item
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FISCAL IMPACT:

With the bondholder more than 50 percent target achieved by May 2024, County staff recommend approval of the resolution included as Attachment 1. The full DSRF of approximately \$38 million would then be available for release. Subject to review and signoff from the County's Bond Counsel, the DSRF released funds will be used in the same manner as any tax-exempt bond proceeds, namely payment for Sewer capital projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution Supplementing and Amending the Sewer 1985 General Bond Resolution

STAFF:

Christina Jackson, Deputy County Executive/Chief Financial Officer

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Division, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

Anand Goutam, Financial Manager, Wastewater Management, DPWES

Philip A. Hagen, Director, Department of Management and Budget

Joseph LaHait, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Emily Smith, Assistant County Attorney

Fairfax County,
Virginia

SUPPLEMENTAL RESOLUTION

RESOLUTION SUPPLEMENTING AND AMENDING THE GENERAL BOND RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF SEWER REVENUE BONDS, TO AMEND THE DEFINITIONS OF THE TERMS “OPERATING EXPENSES” AND “RESERVE SUBFUND REQUIREMENT” IN SUCH GENERAL BOND RESOLUTION AND TO AMEND CERTAIN PROVISIONS RELATING TO THE RESERVE SUBFUND ESTABLISHED UNDER SUCH GENERAL BOND RESOLUTION.

WHEREAS, the Board of Supervisors (the “Board of Supervisors” or “Board”) of Fairfax County, Virginia (“County”), has adopted a General Bond Resolution authorizing the issuance initially of not exceeding \$179,000,000 Sewer Revenue Bonds and thereafter the issuance of additional and refunding sewer revenue bonds (such resolution as initially adopted on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, further amended and restated on May 18, 2009, effective July 1, 2009, and as further supplemented and amended, herein called the “General Bond Resolution”); and

WHEREAS, the Board of Supervisors has determined to adopt this resolution (this “Supplemental Resolution”) to supplement and amend the General Bond Resolution to (i) amend the definitions of the terms “Operating Expenses” and “Reserve Subfund Requirement” under the General Bond Resolution, and (ii) permit the County to modify or eliminate the requirement for funding and maintaining the Reserve Subfund heretofore established under the General Bond Resolution, provided, however, that the County may elect, but shall not be required, at any time after any modification or elimination of the Reserve Subfund Requirement, to fund the Reserve Subfund in an amount or amounts set forth in a supplemental resolution; and

WHEREAS, in accordance with Section 1102 of the General Bond Resolution, the County has (i) given notice to the Holders of all Bonds Outstanding (each as defined in the General Bond Resolution) of the proposed adoption of this Supplemental Resolution and (ii) within three years of the initial notice to such Holders of such proposed adoption, has received, from the Holders of not less than a majority in aggregate principal amount of Bonds Outstanding that affected thereby, consent and approval to the adoption of this Supplemental Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS FOLLOWS:

Section 1. Amendment to Definition of “Operating Expenses.” The term “Operating Expenses” defined in Section 101 of the General Bond Resolution is hereby amended and restated in its entirety so that it shall read as follows:

“**Operating Expenses**” means, for any period, the County’s reasonable and necessary current expenses paid for the operation, repair and maintenance of the System, without intending to limit or restrict any proper definition of such expenses under any applicable laws or generally accepted accounting principles. For the purpose of this definition, such current expenses shall include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, administrative expenses, any reasonable payments to pension or retirement funds properly chargeable to the System, premiums and reserves for insurance, fees or premiums for a Credit Facility, Reserve Subfund Insurance Policy or bond insurance policy (but not including any amounts payable as interest, whether or not characterized as a fee or premium on draws, advances or loans), all administrative and engineering expenses relating to maintenance, repair and operation, fees and expenses of the Depository, any Paying Agent, remarketing agent, indexing agent, the Bond Registrar and any Trustee, legal expenses, fees of consultants, any taxes that may be lawfully imposed on, or payments in lieu of taxes that may be lawfully paid by,

the System or the income therefrom, operating lease payments, the Operating Component of the Cost of Contracted Services, and any other expenses required or permitted to be paid by the County under the provisions of this Resolution or by law payable on a parity with Operating Expenses under this Resolution, but shall not include any reserves for extraordinary maintenance or repair or any allowance for depreciation, or any deposits to the credit of the Debt Service Subfund, the Reserve Subfund, the Subordinate Obligations Subfund or the Extension and Improvement Subfund (other than Operating Expenses hereinabove described in this definition).”

Section 2. Amendment to Definition of “Reserve Subfund Requirement”. The first paragraph of the term “Reserve Subfund Requirement” defined in Section 101 of the General Bond Resolution is hereby amended and restated in its entirety so that it shall read as follows:

“**Reserve Subfund Requirement**” as to all Bonds means, except as otherwise provided in accordance with Section 506 of this Resolution, as of any date of calculation, an amount of money, securities or Reserve Subfund Insurance Policy equal to the lesser of (i) the maximum Principal and Interest Requirements of the Outstanding Bonds for any Bond Year and (ii) 125% of the average annual Principal and Interest Requirements of the Outstanding Bonds for any Bond Year.”

Section 3. Amendment to Section 506 of General Bond Resolution. Section 506 of the General Bond Resolution is hereby amended to delete in its entirety the third paragraph of such Section 506 (which begins with the words “Except as provided in a Series Resolution...”) and to add the following paragraphs at the end of such section:

“Notwithstanding anything to the contrary in this Section 506 or otherwise in this Resolution, the County may, at any time and from time to time, by written notice from a County Representative to the Depository, modify or eliminate the Reserve Subfund Requirement heretofore established under this Resolution with respect to all or any Series of Bonds Outstanding.

The Depository shall apply or transfer all amounts in the Reserve Subfund in excess of such modified or eliminated Reserve Subfund Requirement for one or more of the following purposes, as directed in a written notice from a County Representative: to (i) redeem Bonds in accordance with their terms, (ii) pay principal installments of Bonds as they come due for payment, (iii) pay the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems, paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County, or (iv) pay rebate amounts to the United States Treasury in accordance with Section 148(f) of the Internal Revenue Code or similar provisions. Such direction shall be accompanied by an opinion of counsel nationally recognized as expert in tax matters relating to obligations of states and their political subdivisions to the effect that such proposed application of such amounts will not adversely affect the exclusion of interest on any of the Bonds from the gross income of the recipients thereof for federal income tax purposes.

Except as provided in the immediately preceding paragraph or in a Series Resolution, if on the first Business Day before any Interest Payment Date, the amount of money held for the

credit of the Reserve Subfund shall exceed the Reserve Subfund Requirement as then calculated, the County shall direct the Depository to transfer from the Reserve Subfund the amount of such excess to the following Subfunds in the following order: (i) prior to the Completion Date, the Construction Subfund and (ii) thereafter, the Debt Service Subfund; provided, however, that the County may direct the Depository to transfer to the Revenue Subfund the portion of such excess derived from Gross Revenues but not from proceeds of Bonds.

The County may elect, but shall not be required, at any time after any modification or elimination of the Reserve Subfund Requirement, to fund the Reserve Subfund in an amount or amounts set forth in a supplemental resolution adopted pursuant to Section 1101 of this Resolution.”

Section 4. Effect of Covenants. All covenants, stipulations, obligations and agreements of the County contained in this Supplemental Resolution shall be deemed to be covenants, stipulations, obligations and agreements of the County to the full extent permitted by the Constitution and laws of the Commonwealth of Virginia. This Supplemental Resolution is adopted with the intent that the laws of the Commonwealth of Virginia shall govern its construction.

Section 5. Expenses Payable Under this Supplemental Resolution. All expenses incurred in carrying out this Supplemental Resolution shall be payable solely from funds derived by the County from the System. Anything in this Supplemental Resolution to the contrary notwithstanding, the performance by the County of all duties and obligations imposed upon it hereby, the exercise by it of all powers granted to it hereunder, the carrying out of all covenants, agreements and promises made by it hereunder, and the liability of the County for all warranties and other covenants herein shall be limited solely to the money and revenues received from the payments from the System, and from money attributable to the proceeds of Bonds, or the income from the temporary investment thereof, and, to the extent herein, the proceeds of insurance, sale and condemnation awards; and the County shall not be required to effectuate any of its duties, obligations, powers or covenants except from, and to the extent of, such money, revenues, proceeds, and payments.

Section 6. Headings. Any heading preceding the text of the several articles hereof, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Supplemental Resolution, nor shall they affect its meaning, construction or effect.

Section 7. Definitions. All terms not otherwise defined herein shall have the meanings ascribed thereto by the General Bond Resolution.

Section 8. Further Authority. The officers of the County, members of the Board and other agents or employees of the County are hereby authorized to do all acts and things required of them by this Supplemental Resolution for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Bonds and this Supplemental Resolution.

Section 9. Supplemental Resolution Effective. This Supplemental Resolution shall take effect immediately upon its adoption.

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
May 21, 2024

CONSIDERATION - 1

Appeal of a Notice of Violation of the Chesapeake Bay Preservation Ordinance for 3141 Trenholm Drive, Oakton, Virginia 22124, Tax Map No. 046-2-18-0015 (Sully District)

ISSUE:

Board consideration of an appeal of a Notice of Violation (NOV) for unpermitted encroachment of the Resource Protection Area (RPA) without an approved Water Quality Impact Assessment in violation of Chesapeake Bay Preservation Ordinance (CBPO) §§ 118-3-2(a) and (b) and 118-4-2.

TIMING:

Board consideration is requested on May 21, 2024, for a resolution of an appealed NOV.

BACKGROUND:

On April 4, 2023, Land Development Services (LDS) issued a NOV of the CBPO to Christopher Harrison and Jaime Harrison (Owners), owners of 3141 Trenholm Drive (Property). The NOV (Attachment 1) was issued after an investigation by county staff in response to a February 27, 2023, complaint. The investigation revealed that approximately 2,744 square feet of unpermitted land-disturbing activities were performed in the RPA. The RPA encroachment includes the construction of outdoor sitting areas, paver patios, and a cooking area, water fountain/bar, storage building, and car port, all without county approval. The NOV was issued based on observations by county staff on March 28, 2023. On April 19, 2023, by letter (Attachment 2), the Owners appealed the NOV to the Board of Supervisors.

The NOV requires, among other things, the Owners to obtain an approved Water Quality Impact Assessment (WQIA) to demonstrate how the uses in the RPA comply with the performance criteria of the CBPO, or to obtain a land disturbance permit and approved WQIA to remove the encroachments and restore the RPA.

This appeal challenges the validity of the NOV. The Board is not considering the status of the improvements at this time; those would be reviewed by the Exception Review Committee (ERC), if the applicant submits a WQIA.

Property Description and Site History: The Property was constructed in 1979, zoned R-1, is 21,387 square feet, and contains a single-family, detached dwelling. The RPA was established on the Property in 2003 and covers 53% (approximately 0.3 acres) of the Property, mainly in the rear yard.

Board Agenda Item
May 21, 2024

Justification for Notice of Violation: The following RPA waivers were submitted and approved for the Property before the unpermitted RPA encroachments were constructed.

- December 2010 – Approval under § 118-5-5(a) for sunroom renovation and open deck addition using the existing concrete slab with no increase in impervious area. Attachment 3 contains the approval waiver for this work.
- March 2011 – Approval under § 118-5-5(a) for a 176 square foot covered front porch addition. Attachment 4 contains the approval waiver for this work.
- April 2011 – Approval under § 118-5-5(b) for an open deck addition with no increase in impervious area. Attachment 5 contains the approval waiver for this work which indicates net cumulative increase of impervious area 441 square feet granted under prior exceptions.

The RPA encroachments resulting in the NOV were built between 2011 and 2013 but did not receive county approval through a waiver or exemption, or exception from the ERC.

Development in the RPA is subject to regulation under the CBPO, and exceptions for minor additions may be approved administratively through the provisions in Article 5 of the ordinance. In this case, the car port qualifies as a minor addition and can be approved administratively with the submission and approval of the proper application.

The ERC must approve the remaining encroachments, which are accessory uses, if they are to remain or they must be removed pursuant to an approved plan. The owners have not sought the ERC's approval to keep the encroachments.

Section 118-3-3 of the CBPO states "A Water Quality Impact Assessment shall be required for any proposed land disturbance, development, or redevelopment within an RPA that is not exempt pursuant to Article 5 of this Chapter or for which an exception waiving these criteria is not approved pursuant to Article 6 of this Chapter." For these reasons, no use of the RPA is authorized without an approved WQIA. The Owners have not submitted a WQIA.

The Owners note in their appeal their predecessor constructed the improvements in the RPA. However, this is not the basis for an exemption under the CBPO. The RPA encroachments are in violation of the provisions of §§ 118-3-2(a) and (b), 118-4-2, and 118-6-8. Attachment 6 contains a map displaying the RPA boundary and the area of encroachment subject to the NOV on the Property. Attachment 7 contains aerial photography from 2010 to 2013 showing the development in the RPA at the Property confirming that development in the RPA occurred without prior approval from the county.

Board Agenda Item
May 21, 2024

Grounds for Appeal: The Owners suggested in their appeal that the delineation of the RPA boundary may be inaccurate. The Owners requested additional time to retain an engineer to perform an RPA boundary study, which could affect the validity of the violations alleged in the NOV. An updated RPA boundary study has not been provided.

The Owners also claim that the previous owner verbally represented to them that permits were obtained for the RPA encroachments identified in the NOV. The Owners filed a Freedom of Information Act (FOIA) request through LDS to identify which, if any, improvements in the RPA were authorized by the County. The previously cited RPA waivers and associated permits were provided to the Owners in response to the FOIA request, but do not include permits for the encroachments identified in the NOV. No additional evidence of previous permits indicating that the County approved the encroachments has been provided. The FOIA response was issued on April 21, 2023, and the Owners have not provided any further information. The Owners were afforded a reasonable amount of time to determine whether any waivers, exceptions, exemptions, and permits approved by the county applied to the improvements in the RPA.

Summary and Conclusion: The appeal should be denied, and the NOV should be upheld because the encroachments into the RPA were not approved by the county

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Notice of Violation Fairfax County Chesapeake Bay Preservation Ordinance

Attachment 2 - Miles & Stockbridge Appeal Letter Regarding NOV ECEINV-2023-00025

Attachment 3 - Chesapeake Bay Preservation Ordinance Exception Request Form and Water Quality Impact Assessment for Minor Additions 265-WRPA-001-1; 3141 Trenholm Drive

Attachment 4 - Chesapeake Bay Preservation Ordinance Exception Request and Water Quality Impact Assessment for Minor Additions 265-WRPA-002-1; 3141 Trenholm Drive

Attachment 5 - Chesapeake Bay Preservation Ordinance Exception Request Form and Water Quality Impact Assessment for Minor Additions 265-WRPA-003-1; 3141 Trenholm Drive

Attachment 6 - 3141 Trenholm Drive RPA Area of Encroachment Dated March 27, 2023

Attachment 7 - Aerial Imagery of 3141 Trenholm Drive -Pre and Post Construction, Approved and Not Approved Development

Board Agenda Item
May 21, 2024

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Land Development Services (LDS)

Matthew Hansen, P.E., CFM, Director, Site Development and Inspection Division, LDS

Kirsten Munz, P.E., AICP, Director, Permitting and Code Administration (PACA), LDS

Stephen M. Strackbein, Enforcement Administrator, PACA, LDS

ASSIGNED COUNSEL:

Marc E. Gori, Assistant County Attorney



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

NOTICE OF VIOLATION Fairfax County Chesapeake Bay Preservation Ordinance

DATE ISSUED: 4/04/2023

CERTIFIED MAIL #: 7021 1970 0001 1504 5568

VIOLATION ISSUED TO: HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R

LOCATION OF VIOLATION: 3141 Trenholm Dr, Oakton, VA 22124

TAX MAP REFERENCE: 0462180015

CASE #: ECEINV-2023-00025

I inspected the above site on 3/28/2023, and observed the following violations in a **Chesapeake Bay Preservation Area**:

1. Land disturbance in the Resource Protection Area (RPA) without an approved Water Quality Impact Assessment (WQIA) in violation of Fairfax County Code, Section 118-4-2 and Section 118-3-2(a) and (b). **The land disturbance in the RPA consists of approximately 2,744 square feet, includes the construction of the unpermitted outdoor sitting areas, paver patios, cooking area, water fountain/bar, storage building, and a car port.**
2. Encroachment of an accessory structure or use into the RPA without an exception approval by either the Exception Review Committee or by the Board of Supervisors, when in conjunction with a rezoning or special exception approval, in violation of Fairfax County Code, Section 118-6-8.

Furthermore, Fairfax County Code, Section 118-9-1(a), provides as follows:

Any building erected or improvements constructed contrary to any provisions of this Chapter and any land disturbing activity regardless of area contrary to any of the provisions of this Chapter and any removal of vegetation in Chesapeake Bay Preservation Areas contrary to any provisions of this Chapter shall be and the same is hereby declared to be unlawful.

You are directed to correct this violation within sixty (60) days of receipt of this order, by performing the following, corrective measures:

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R
Page 2 of 3

1. Immediately cease and desist all land disturbing activity in the RPA.
2. Remove the unpermitted **outdoor sitting areas, paver patios, cooking area, water fountain/bar, storage building, and a car port** in accordance with County policy and procedure by:

Submitting and receiving approval for a WQIA that restores the RPA to the requirements of Section 118-9-1(d).

Restoration of the RPA shall be in accordance with the requirements of the Chesapeake Bay Preservation Ordinance and Public Facilities Manual (PFM). In addition to the plantings required by Section 118-3-3(f) and the PFM, the Director may require for any trees impacted or illegally removed from the RPA to be replaced by other trees of the same comparable species of equal value and/or be replaced by two trees for each tree impacted or removed. The replacement trees shall be 1.5-inch caliper trees or larger. If any fill is relocated on site outside the RPA, the WQIA shall also show the area where the fill is to be placed and demonstrate that the placement of the fill shall not adversely impact the existing drainage of the land;

OR

3. Submit and receive approval for:
 - a. An exception request to permit encroachment into the RPA in accordance with the requirements of Section 118-6-5, -6, and -8; and
 - b. A WQIA that restores the RPA to the requirements of Section 118-9-1(d). Restoration of the RPA shall be in accordance with the requirements of the Chesapeake Bay Preservation Ordinance and PFM;

AND

4. Correct the violation in accordance with the approved WQIA.

Section 118-9-2, Criminal Violations and Penalties, states:

- (a) Violators of this Chapter shall be guilty of a Class 1 misdemeanor.
- (b) Each day any violation of this Chapter shall continue shall constitute separate offense.
- (c) In addition to any criminal penalties provided under this Article, any person who violates any provision of this Chapter may be liable to the County in a civil action

HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R
Page 3 of 3

for damages, or for injunctive relief. (32-03-118.)

Section 118-9-3, Civil Penalties, reads as follows:

- (a) Any person who violates any provision of this Chapter or who violates or fails, neglects, or refuses to obey any local governmental body's or official's final notice, order, rule, regulation, or variance or permit condition authorized under this Chapter shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$5,000 for each day of violation.

Section 118-8-1, Procedures, states in relevant part as follows:


- (a) An applicant aggrieved by any decision of the Director of the Land Development Services . . . in the administration of this Chapter may, within 15 days of such decision, appeal the decision to the Board of Supervisors.

and . . .

- (c) Such appeal shall be filed with the Clerk to the Board of Supervisors and shall state with specificity the provisions of this Chapter which the applicant alleges to have been violated by the decision and the reasons therefore. A copy of the appeal shall also be delivered to the Director of the Department of Land Development Services within such 30-day period.

Failure to correct this violation may result in legal action under applicable state and county codes.

ISSUED BY: _____


 Jesus Rico Arreola Code Specialist II
 Environmental Compliance and Enforcement Branch
 12055 Government Center Parkway
 Fairfax, Virginia 22035-5503
 Phone: (703) 509-8573
 Email: jjesus.ricoarreola@fairfaxcounty.gov
 Authorized Agent of the Director of LDS



Shane M. Murphy
(703) 610-8622
smurphy@milesstockbridge.com

April 19, 2023

Via Electronic Mail and Federal Express

Jill G. Cooper, Clerk
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, Virginia 22035

**Re: Notice of Violation ECEINV-2023-00025 (the "NOV")
Chesapeake Bay Preservation Ordinance
Christopher Harrison and Jaime Harrison
3141 Trenholm Drive, Oakton, VA 22124**

Dear Ms. Cooper:

This firm represents Mr. Christopher Harrison and Ms. Jaime Harrison (the "Harrisons") as to the above-referenced matter. Pursuant to Section 118-8-1 of the Fairfax County Code, and for the reasons stated below, the Harrisons respectfully appeal the NOV to the Board of Supervisors for review. The Harrisons also received a separate NOV alleging violations of the Erosion and Sediment Control Ordinance, which was the subject of a separate appeal to Land Development Services (LDS) Director Bill Hicks.

The Harrisons recently relocated from California, purchasing the property at 3141 Trenholm Drive on December 21, 2022. As new residents of Virginia they were completely unaware of any alleged violations when they purchased the property, despite their due diligence. They are now faced with the daunting process of understanding and defending against the NOVs, which has already been a very significant financial burden to them. Because the improvements were constructed in approximately 2010, more than 10 years ago, and because those improvements are open and obvious to the Harrison's neighbors, the Harrisons reasonably believe that the original complaints made to LDS were not filed in good faith.

Shortly before the purchase, the owners of adjacent property at 3137 Trenholm Drive contacted the realtor handling the transaction and reported that a portion of the driveway encroached upon their property. The neighbors suggested a lot line adjustment but requested a

1751 Pinnacle Drive, Suite 1500 | Tysons Corner, VA 22102-3833 | 703 903-9000 | mslaw.com
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Land Development Services
Director's Office

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APR 21 2023

Land Development Services
Director's Office



Ms. Jill Cooper
 April 19, 2023
 Page 2

price that the previous owner and the Harrisons both considered excessive as to its value. As a result, the Harrisons agreed on a post-closing condition with the previous owner of their property requiring removal of the encroaching portion of the driveway. All of that work was performed on the neighboring property, 3137 Trenholm Drive, and it was completed by the previous owner on or about January 15, 2023. On January 17, 2023, a zoning complaint was filed regarding the size of their driveway. In early February, Mr. David Griggs of Fairfax County visited the property to investigate the zoning complaint. As of today's date, the Harrisons have not received follow-up correspondence regarding the zoning complaint.

On March 2, 2023, the Harrisons were visited by Mr. J. Jesus Rico Arreola of the Code Enforcement Division, who reported that he was responding to an additional complaint filed on February 23, 2023 regarding improvements that were constructed more than ten years ago by the previous owner in the rear yard of the property. Mr. Rico Arreola inspected the property and verbally notified the Harrisons of forthcoming violation notices, which they received on April 4, 2023.

Upon information and belief, the Harrisons state the following as their rationale for appeal:

1. Preliminarily, the Harrisons have been advised that the existing Resource Protection Area may be incorrectly mapped. At the suggestion of Mr. Rico Arreola, the Harrisons are in the process of hiring a civil engineer to properly advise them on this question. As recent purchasers of the home, the Harrisons should be accorded a reasonable period of time to determine the correct boundaries of the RPA, which could affect the validity of the alleged NOV under Sections 118-4-2, 118-3-2(a) and (b), and 118-6-8 of the Fairfax County Code.
2. The previous owner has verbally represented to the Harrisons that permits were obtained for the improvements that are the subject of the alleged violations. Also at the suggestion of Mr. Rico Arreola, the Harrisons have filed a FOIA request through LDS to help them understand the specifics of the alleged violations and what permits were issued. That FOIA request is currently pending. As recent purchasers of the property who were unaware of any alleged violations, the Harrisons should be afforded a reasonable period of time to determine what permits were issued and whether additional permits and/or plans are needed, in conjunction with independent confirmation of the boundaries of the RPA.

For the foregoing reasons, the Harrisons respectfully request that the Board of Supervisors accept this appeal. Because appeals under the Chesapeake Bay Preservation Ordinance must be filed within 15 days of receiving the NOV, the Harrisons respectfully request that they be granted a reasonable period of time as requested above to supplement the appeal record once they have (1) received the FOIA documents and (2) a civil engineer properly advises them as to whether the RPA is correctly mapped and whether or not additional permits are needed.



Ms. Jill Cooper
April 19, 2023
Page 3

Please feel free to contact me with any questions, comments, or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Shane M. Murphy'.

Shane M. Murphy

cc: The Honorable Jeffrey C. McKay, Chairman, Board of Supervisors
The Honorable Kathy L. Smith, Supervisor, Sully District
Ms. Elizabeth D. Teare, County Attorney
Mr. Bill Hicks, Director, Land Development Services
Mr. J. Jesus Rico Arreola, Code Specialist, Land Development Services

Attachments:

1. Chesapeake Bay Preservation Ordinance Notice of Violation ECEINV-2023-00025
2. Request for Written Decision of the Director of Land Development Services dated April 14, 2023 as to Stop Work Order



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

NOTICE OF VIOLATION Fairfax County Chesapeake Bay Preservation Ordinance

DATE ISSUED: 4/04/2023

CERTIFIED MAIL #: 7021 1970 0001 1504 5568

VIOLATION ISSUED TO: HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R

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TAX MAP REFERENCE: 0462180015

CASE #: ECEINV-2023-00025

I inspected the above site on 3/28/2023, and observed the following violations in a **Chesapeake Bay Preservation Area**:

1. Land disturbance in the Resource Protection Area (RPA) without an approved Water Quality Impact Assessment (WQIA) in violation of Fairfax County Code, Section 118-4-2 and Section 118-3-2(a) and (b). **The land disturbance in the RPA consists of approximately 2,744 square feet, includes the construction of the unpermitted outdoor sitting areas, paver patios, cooking area, water fountain/bar, storage building, and a car port.**
2. Encroachment of an accessory structure or use into the RPA without an exception approval by either the Exception Review Committee or by the Board of Supervisors, when in conjunction with a rezoning or special exception approval, in violation of Fairfax County Code, Section 118-6-8.

Furthermore, Fairfax County Code, Section 118-9-1(a), provides as follows:

Any building erected or improvements constructed contrary to any provisions of this Chapter and any land disturbing activity regardless of area contrary to any of the provisions of this Chapter and any removal of vegetation in Chesapeake Bay Preservation Areas contrary to any provisions of this Chapter shall be and the same is hereby declared to be unlawful.

You are directed to correct this violation within sixty (60) days of receipt of this order, by performing the following, corrective measures:

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R
Page 2 of 3

1. Immediately cease and desist all land disturbing activity in the RPA.
2. Remove the unpermitted **outdoor sitting areas, paver patios, cooking area, water fountain/bar, storage building, and a car port** in accordance with County policy and procedure by:

Submitting and receiving approval for a WQIA that restores the RPA to the requirements of Section 118-9-1(d).

Restoration of the RPA shall be in accordance with the requirements of the Chesapeake Bay Preservation Ordinance and Public Facilities Manual (PFM). In addition to the plantings required by Section 118-3-3(f) and the PFM, the Director may require for any trees impacted or illegally removed from the RPA to be replaced by other trees of the same comparable species of equal value and/or be replaced by two trees for each tree impacted or removed. The replacement trees shall be 1.5-inch caliper trees or larger. If any fill is relocated on site outside the RPA, the WQIA shall also show the area where the fill is to be placed and demonstrate that the placement of the fill shall not adversely impact the existing drainage of the land;

OR

3. Submit and receive approval for:
 - a. An exception request to permit encroachment into the RPA in accordance with the requirements of Section 118-6-5, -6, and -8; and
 - b. A WQIA that restores the RPA to the requirements of Section 118-9-1(d). Restoration of the RPA shall be in accordance with the requirements of the Chesapeake Bay Preservation Ordinance and PFM;

AND

4. Correct the violation in accordance with the approved WQIA.

Section 118-9-2, Criminal Violations and Penalties, states:

- (a) Violators of this Chapter shall be guilty of a Class 1 misdemeanor.
- (b) Each day any violation of this Chapter shall continue shall constitute separate offense.
- (c) In addition to any criminal penalties provided under this Article, any person who violates any provision of this Chapter may be liable to the County in a civil action

HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R
Page 3 of 3

for damages, or for injunctive relief. (32-03-118.)

Section 118-9-3, Civil Penalties, reads as follows:

- (a) Any person who violates any provision of this Chapter or who violates or fails, neglects, or refuses to obey any local governmental body's or official's final notice, order, rule, regulation, or variance or permit condition authorized under this Chapter shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$5,000 for each day of violation.

Section 118-8-1, Procedures, states in relevant part as follows:


- (a) An applicant aggrieved by any decision of the Director of the Land Development Services . . . in the administration of this Chapter may, within 15 days of such decision, appeal the decision to the Board of Supervisors.

and . . .

- (c) Such appeal shall be filed with the Clerk to the Board of Supervisors and shall state with specificity the provisions of this Chapter which the applicant alleges to have been violated by the decision and the reasons therefore. A copy of the appeal shall also be delivered to the Director of the Department of Land Development Services within such 30-day period.

Failure to correct this violation may result in legal action under applicable state and county codes.

ISSUED BY: _____



Jesus Rico Arreola Code Specialist II
Environmental Compliance and Enforcement Branch
12055 Government Center Parkway
Fairfax, Virginia 22035-5503
Phone: (703) 509-8573
Email: jjesus.ricoarreola@fairfaxcounty.gov
Authorized Agent of the Director of LDS



Shane M. Murphy
(703) 610-8622
smurphy@milesstockbridge.com

April 14, 2023

Via Electronic Mail and Federal Express

Mr. Bill Hicks
Director
Fairfax County Land Development Services
12055 Government Center Parkway
Fairfax, Virginia 22035

**Re: Stop Work Order ECEINV-2023-00025 (the "NOV")
Christopher Harrison and Jaime Harrison
3141 Trenholm Drive, Oakton, VA 22124**

Dear Mr. Hicks:

This firm represents Mr. Christopher Harrison and Ms. Jaime Harrison (the "Harrisons") as to the above-referenced matter. Pursuant to Section 104-1-6 of the Fairfax County Code, and for the reasons stated below, the Harrisons respectfully request that the Director rescind the NOV. The Harrisons also received a separate NOV alleging violations of the Chesapeake Bay Preservation Ordinance, which will be the subject of a separate appeal due to the different appeal provisions of Chapter 118.

On April 4, 2023, the Harrisons received the NOV from Fairfax County, Department of Land Development Services ("LDS") alleging that the Harrisons violated Section 104-1-2 of the Fairfax County Code and directing them to correct the alleged violation within sixty (60) days of the date of the NOV. The NOV states the following with respect to the alleged violation:

Land-disturbing activity in excess of 2,500 square feet without an approved grading/conservation plan. The land disturbance totaled approximately 4,720 square feet and includes the unpermitted expansion of a new asphalt driveway at the front of the property, and the unpermitted encroachment in the 2003 Resource Protection Area (RPA) including outdoor sitting areas, paver patio, cooking area, water fountain/bar, storage building, and a car port.

1751 Pinnacle Drive, Suite 1500 | Tysons Corner, VA 22102-3833 | 703 903-9000 | mslaw.com
BALTIMORE, MD • EASTON, MD • FREDERICK, MD • RICHMOND, VA • ROCKVILLE, MD • WASHINGTON, D.C.

118739\000001\4890-7207-4077.v3



Mr. Bill Hicks
April 14, 2023
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The NOV demanded the following corrective action:

1. Immediately cease and desist all land-disturbing activities.
2. Submit and obtain the required grading/conservation plan and land disturbance permit as approved by Fairfax County.
3. Correct the violation in accordance with the approved plan and permit.

Pursuant to Section 104-1-6 of the Fairfax County Code, “any person aggrieved by a decision of the Director has the right to petition the Director for reconsideration of the decision, provided such request is made in writing within ten (10) days of the date of the Director’s written decision.” As the Harrisons are submitting this Request within ten days of the NOV, this request is timely.

Moreover, the Harrisons are “aggrieved” and have a “direct interest in the decision” as the current title owners of 3141 Trenholm Drive. Since any alleged violation of Section 104-1-2 carries potential criminal and civil penalties for the Harrisons, they have a direct interest in the decision and meet the requirements under Section 104-1-6 of the Fairfax County Code to request reconsideration.

Section 104-1-2 of the Fairfax County Code, states that “No person may engage in any land-disturbing activity until he has submitted to the County a conservation plan for the land-disturbing activity and the plan has been reviewed and approved by the Director.” The Harrisons do not disagree that they are “person[s]” under a plain reading of Section 104-1-2. However, the Harrisons cannot comply with the NOV because they are not currently engaged in land-disturbing activities on the 3141 Trenholm Drive property, nor have they engaged in any land-disturbing activities on the property in the short period of time they have owned it. Furthermore, they have not authorized any other person to engage in land-disturbing activities on the property in excess of 2,500 square feet. Any and all work that is the subject of the alleged violation was completed by the prior owners of the Harrisons’ current home, and the improvements have been in place for at least the past ten (10) years. In other words, nothing can be stopped as there is no active land-disturbing activity and none is currently planned.

The Harrisons purchased 3141 Trenholm Drive on December 21, 2022. Shortly before the purchase, the owners of 3137 Trenholm Drive contacted the realtor handling the transaction and reported that a portion of the driveway encroached upon their property. The neighbors suggested a lot line adjustment but requested a price that the previous owner and the Harrisons both found to be excessive. As a result, the Harrisons agreed on a post-closing condition with the previous owner of 3141 Trenholm Drive requiring removal of the encroaching portion of the driveway. The previous owner completed that work on or about January 15, 2023. On January 17, 2023, a zoning complaint was filed regarding the driveway. In February, Mr. David Griggs of Fairfax County visited the



Mr. Bill Hicks
April 14, 2023
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property to investigate the zoning complaint. As of today's date, the Harrisons have not received any follow-up correspondence regarding the zoning complaint.

On March 2, 2023, the Harrisons were visited by Mr. J. Jesus Rico Arreola of the Code Enforcement Division, who reported that he was responding to an additional complaint filed on February 23, 2023 regarding the improvements that were constructed over ten years ago by the previous owner in the rear yard of the property. Mr. Rico Arreola inspected the property and verbally notified the Harrisons of forthcoming violation notices, which they received on April 4, 2023.

To emphasize, the Harrisons were completely unaware of any alleged violations when they purchased the property despite their due diligence. They are in the process of researching what permits were issued to the previous owner who constructed the improvements that are the subject of the alleged violations. They are also in the process of engaging a civil engineer to properly advise them as to whether corrective actions should be taken. However, because the Harrisons have not performed any land-disturbing activities during their ownership of the property and have no plans to perform any land-disturbing activities until and unless the proper permits are issued, we assert the NOV is both unnecessary and legally deficient.

Accordingly, the Harrisons respectfully request the Director reconsider and rescind the NOV.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Shane M. Murphy'.

Shane M. Murphy

cc: The Honorable Kathy L. Smith, Supervisor, Sully District
Mr. J. Jesus Rico Arreola, Code Specialist, Land Development Services



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

LEGAL NOTICE STOP WORK ORDER Fairfax County Erosion and Sediment Control Ordinance

DATE ISSUED: 4/04/2023

CERTIFIED MAIL #: 7021 1970 0001 1504 5544

LEGAL NOTICE ISSUED TO : HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R

LOCATION OF VIOLATION: 3141 Trenholm Dr, Oakton, VA 22124

TAX MAP REFERENCE: 0462180015

INVESTIGATION #: ECEINV-2023-00025

On 3/28/2023, I inspected the above referenced site and found the following violation:

Land-disturbing activity in excess of 2,500 square feet without an approved grading/conservation plan. The land disturbance totaled approximately 4,720 square feet and includes the unpermitted expansion of a new asphalt driveway at the front of the property, and the unpermitted encroachment in the 2003 Resource Protection Area (RPA) including outdoor sitting areas, paver patio, cooking area, water fountain/ bar, storage building, and a car port.

This is a violation of Section 104-1-2 of the Fairfax County Code which states:

No person may engage in any land-disturbing activity until he has submitted to the County a conservation plan for the land-disturbing activity and the plan has been reviewed and approved by the Director.

You are directed to correct this violation within sixty (60) days of receipt of this order.

No additional land disturbance is permitted until the required corrective action is completed. The following corrective action is required:

- 1. Immediately cease and desist all land-disturbing activities.**
- 2. Submit and obtain the required grading/conservation plan and land disturbance permit as approved by Fairfax County.**
- 3. Correct the violation in accordance with the approved plan and permit.**

Section 104-1-12 (a) Violations, reads as follows:

Violators of this chapter are guilty of a Class 1 misdemeanor.

Section 104-1-12 (i)(1) Civil Penalties, states:

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



HARRISON CHRISTOPHER B & HARRISON JAIME DIANA R
Page 2 of 2

Violations of any regulation or order of the State Water Control Board, any provision of this Ordinance, any condition of a permit, or any provision of the Virginia Erosion and Sediment Control Law are subject to a civil penalty, upon the finding of an appropriate court. The civil penalty for any one violation will be not less than \$100 nor more than \$1,000. Each day during which the violation is found to have existed is a separate offense. A series of specified violations arising from the same operative set of facts may not result in civil penalties that exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site may not result in civil penalties that exceed a total of \$10,000.

Section 104-1-6 Reconsideration; judicial review, states:

- (1) Any person aggrieved by a decision of the Director has the right to petition the Director for reconsideration of the decision, provided such request is made in writing within ten (10) days of the date of the Director's written decision. A petitioner under this reconsideration procedure must demonstrate to the Director's satisfaction a clear and direct interest in the decision. If a timely reconsideration is filed by a petitioner with a clear and direct interest the decision of the Director shall be the written decision on the reconsideration.
- (2) Final decisions of the Director under this Chapter shall be subject to review by the circuit court, provided an appeal is filed within thirty (30) days from the date of the final written decision which adversely affects the rights, duties, or privileges of the person engaging in or proposing to engage in the land disturbing activities.

Failure to correct this violation may result in legal action under applicable state and county codes.

ISSUED BY:  _____

J Jesus Rico Arreola, Code Specialist II
12055 Government Center Parkway, Suite 334
Fairfax, Virginia 22035-5503
Phone: 703 509-8573
Email: JJesus.RicoArreola@fairfaxcounty.gov
Authorized Agent of the Director of LDS



**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REQUEST FORM AND WATER QUALITY IMPACT ASSESSMENT
FOR
MINOR ADDITIONS**

Building Permit # 102870035 Exception # 265-WRPA-001-1
 Tax Map # 0462-180015
 Owner Name(s) Thomas Teller
 Property Address 3141 Troesholm Dr
Dalton, Va. 22124

Project Information (check all boxes that apply)

- Attach copy of house location plat showing proposed construction
- Description of work (e.g. build deck over existing lawn area, build 2 story addition with garage...)

*raise sunroom ceiling + build deck
on top of existing sunroom*

- Resource Protection Area (RPA) boundary and date of house construction

1993 RPA 2003 RPA

House constructed prior to July 1, 1993 (1993 RPA or 2003 RPA) [§118-5-5(a)]

House constructed between July 1, 1993 and November 17, 2003 (2003 RPA) [§118-5-5(b)]

- Has an exception for a minor addition been granted at any time in the past for this property?

Yes No If yes: Exception # / date _____

- Cumulative impervious area in RPA for all for minor addition exceptions \leq than 1,000 sq. ft. or 2 % of lot area up to 2,500 sq. ft?

Lot Area 21,387 (sq. ft.) Lot Area x 0.02 = _____ (sq. ft.)

Area of new attached deck 374 (sq. ft.) Pervious Impervious
 [Count as impervious area if water cannot pass through the deck to a pervious surface (e.g. lawn).]

Sum all impervious areas

374 (sq. ft.) Area of new addition *No increase in imp. area*

_____ (sq. ft.) Area of new attached deck (impervious)

_____ (sq. ft.) Area added under prior exception ex # _____

_____ (sq. ft.) Subtotal

_____ (sq. ft.) Subtract the area of any existing impervious surfaces to be removed and replaced with pervious surfaces and any existing impervious surfaces over which the new addition or impervious deck is placed (include in description of work)

_____ (sq. ft.) **Net cumulative impervious area in RPA**

Is the proposed project eligible for a "Minor Additions" exception?

Yes (continue) No (stop)

The proposed project is not eligible for a "Minor Additions" exception if:

- You are located in a 1993 RPA and your house was constructed after June 30, 1993;
- You are located in a 2003 RPA and your house was constructed after November 16, 2003; or
- The proposed addition creates a total cumulative impervious area for all minor additions that is greater than the larger of 1,000 sq. ft. or 2% of the lot area (up to a maximum of 2,500 sq. ft.).

For further information, contact a stormwater engineer in the Environmental and Site Review Division, Herrity Building - 5th floor, 12055 Government Center Parkway, Fairfax, VA 22035, telephone: 703-324-1720, TTY 711.

Water Quality Impact Assessment:

(a) Display the boundaries of the RPA (check one).

RPA boundary shown on house location plat CBPA map attached with lot identified

Other map (describe) Added on the plat per County map

(b) Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems.

- Copy of house location plat showing proposed construction attached Yes
- Is any clearing or grading proposed other than removal of existing lawn, patio, or maintained landscaping?
 Yes No If the answer is yes, describe the vegetation to be removed (e.g. number, size, and type of trees or area of woods).

- Disturbed Area - In determining the disturbed area, add a 10 foot perimeter to the footprint of the addition on the sides that do not touch the existing house. Also include a 10 foot wide access path from the disturbed area of the addition to the street or driveway.

All disturbed areas*	Disturbed areas in RPA	
_____ (sq. ft.)	_____ (sq. ft.)	Addition
_____ (sq. ft.)	_____ (sq. ft.)	Construction access
_____ (sq. ft.)	_____ (sq. ft.)	New drainfield [If required]
_____ (sq. ft.)	_____ (sq. ft.)	New utility connections [If required]
_____ (sq. ft.)	_____ (sq. ft.)	Total

*Is the total of all disturbed areas > 2,500 sq. ft.?

- Yes (stop - a grading plan is required) No (continue)

(c) Provide justification for the proposed encroachment into and/or impacts to the RPA.

- Can you reasonably avoid locating the addition in the RPA?

- Yes (stop) No (continue)

If no, briefly describe why it is not practical to locate the proposed encroachment outside of the RPA. (e.g. entire lot located in RPA, house has RPA on all sides, location outside of RPA would not meet minimum yard setbacks, existing utility easements constrain location, etc.)

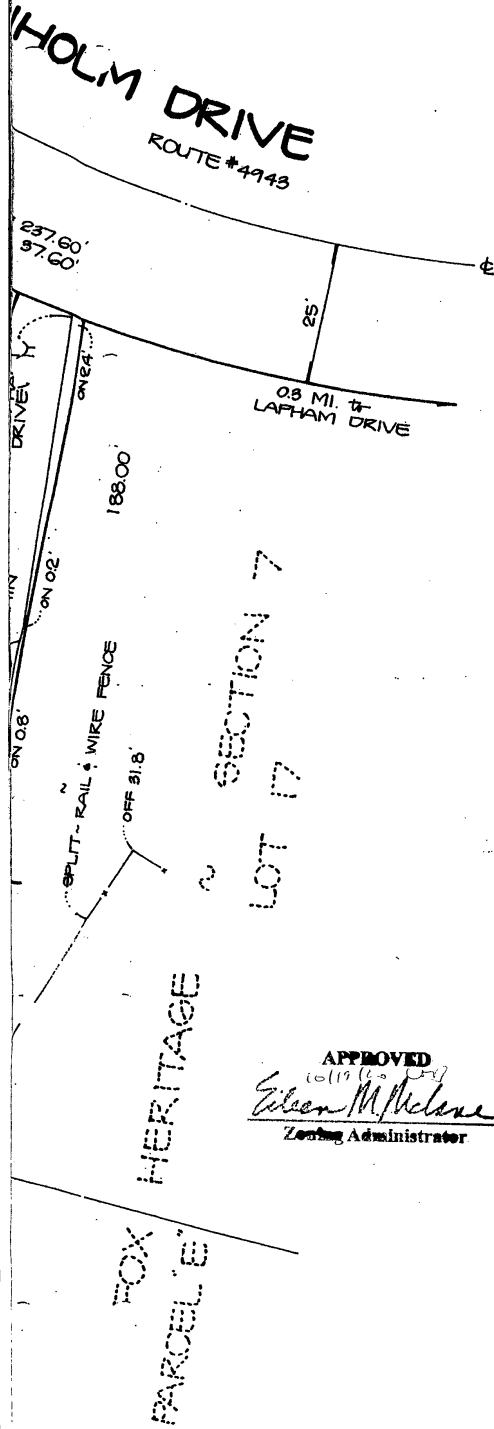
(d) Describe the extent and nature of any proposed disturbance or disruption of wetlands.

N/A

I hereby certify that the information provided above is true and correct to the best of my knowledge and request an exception to the requirements of the Chesapeake Bay Preservation Ordinance under Section 118-5-5, Minor Additions, to be allowed to construct the addition shown on the attached plat/grading plan.

Thomas Teller Signature 10-19-10 Date
 [] Owner [] Contractor [] Other _____
 Applicant Name (Please Print)

Pro-Rata Share Computation: <u>N/A</u>	For County Use Only
Watershed _____ Rate \$ _____ (per acre)	
New Impervious Area _____ (ft ²) / 43,560 ft ² /ac. x Rate _____ (\$ per acre) = \$ _____	
[Pro-Rata Share is not required for attached decks constructed over existing maintained areas where rainfall is allowed to pass through the deck and no additional impervious area is created.]	
Exception No. <u>265-WRPA-01</u> <input checked="" type="checkbox"/> § 118-5-5(a) <input type="checkbox"/> § 118-5-5(b)	No review fee required for exception or WQIA
[Include exception no. and code reference on Building Permit application.]	
Recommended for approval by _____	10/19/2010 Date
Approved by _____	10/19/10 Date
WQIA Review - ESRD	Site Permits



NOTES:

1. TAX MAP: 46-2-0018-15
2. ZONE: R-1 CLUSTER
3. LOT AREA: 21,387 SQUARE FEET
4. REQUIRED YARDS:
 - FRONT: 30 FEET
 - SIDE: 12 FEET (TOTAL 40 FEET)
 - REAR: 25 FEET
5. HEIGHTS:
 - DWELLING: 30.0 FEET
 - DECK: 8.5 FEET
 - SATELLITE DISH: 11.0 FEET
 - SIDE ADDITION: 17.4 FEET
 - REAR ADDITIONS: 22.0 FEET
 - GARAGE ADDITION: 15.2 FEET
 - PROPOSED DECK: 8.5 FEET
6. PROPERTY IS SERVED BY PUBLIC WATER AND PRIVATE SEWER.
7. THERE ARE NO GRAVESITES OR BURIAL GROUNDS VISIBLE ON THIS SITE.
8. UTILITIES SERVING THIS PROPERTY ARE UNDERGROUND

Application No. VC 96-4-053

APPROVED SE/SP PLAT

SEE DEVELOPMENT CONDITIONS

Date of (BOS) (BZA) Approval July 9, 1996
 Staff Coordinator Rosemary C. Langdon
 Sheet 1 of 1

PLAT

SHOWING THE IMPROVEMENTS ON
 LOT 15 SECTION 6-A

FOX HERITAGE
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20'

SEPTEMBER 28, 1996
 (REVISED) MARCH 27, 1996

APPROVED
Eileen M. Malone
 Zoning Administrator

RECEIVED
 OFFICE OF COMPREHENSIVE
 ZONING EVALUATION
 APR 3

<p>PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLE REPORT NOT FURNISHED.</p>		<p>CASE NAME: TELLE CEN ARCHIT</p>
<p>I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS. <i>Kenneth W. White</i> KENNETH W. WHITE L.S.</p>		<p>ALEXANDRIA SUR 8343 SOUTH KING ALEXANDRIA, VIRG 703-660-6 FAX 703-766</p>

19950926009

JOB # 3



**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REQUEST FORM AND WATER QUALITY IMPACT ASSESSMENT
FOR
MINOR ADDITIONS**

Building Permit # 110830280 Exception # 265 WRPA 002 +
 Tax Map # 0462 18 0015
 Owner Name(s) 3141 Trenholm Dr.
 Property Address _____

Project Information (check all boxes that apply)

- Attach copy of house location plat showing proposed construction
- Description of work (e.g. build deck over existing lawn area, build 2 story addition with garage...)

Front covered porch

- Resource Protection Area (RPA) boundary and date of house construction
 1993 RPA 2003 RPA SFD Built 1979
 House constructed prior to July 1, 1993 (1993 RPA or 2003 RPA) [§118-5-5(a)]
 House constructed between July 1, 1993 and November 17, 2003 (2003 RPA) [§118-5-5(b)]
- Has an exception for a minor addition been granted at any time in the past for this property?
 Yes No If yes: Exception # / date 265-WRPA-001-1 10/19/10
- Cumulative impervious area in RPA for all for minor addition exceptions \leq than 1,000 sq. ft. or 2 % of lot area up to 2,500 sq. ft?

Lot Area _____ (sq. ft.) Lot Area x 0.02 = _____ (sq. ft.)

Area of new attached deck _____ (sq. ft.) Pervious Impervious
 [Count as impervious area if water cannot pass through the deck to a pervious surface (e.g. lawn).]

Sum all impervious areas

176 (sq. ft.) Area of new addition
 _____ (sq. ft.) Area of new attached deck (impervious)
390 (sq. ft.) Area added under prior exception ex # _____
cancel (sq. ft.) Subtotal
 _____ (sq. ft.) Subtract the area of any existing impervious surfaces to be removed and replaced with pervious surfaces and any existing impervious surfaces over which the new addition or impervious deck is placed (include in description of work)
566 (sq. ft.) **Net cumulative impervious area in RPA**

Is the proposed project eligible for a "Minor Additions" exception?

Yes (continue) No (stop)

The proposed project is not eligible for a "Minor Additions" exception if:

- You are located in a 1993 RPA and your house was constructed after June 30, 1993;
- You are located in a 2003 RPA and your house was constructed after November 16, 2003; or
- The proposed addition creates a total cumulative impervious area for all minor additions that is greater than the larger of 1,000 sq. ft. or 2% of the lot area (up to a maximum of 2,500 sq. ft.).

For further information, contact a stormwater engineer in the Environmental and Site Review Division, Herrity Building - 5th floor, 12055 Government Center Parkway, Fairfax, VA 22035, telephone: 703-324-1720, TTY 711.

Water Quality Impact Assessment:

(a) Display the boundaries of the RPA (check one).

- RPA boundary shown on house location plat CBPA map attached with lot identified
 Other map (describe) Added on the plat per County map

(b) Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems.

- Copy of house location plat showing proposed construction attached Yes
- Is any clearing or grading proposed other than removal of existing lawn, patio, or maintained landscaping?
 Yes No If the answer is yes, describe the vegetation to be removed (e.g. number, size, and type of trees or area of woods).

- Disturbed Area - In determining the disturbed area, add a 10 foot perimeter to the footprint of the addition on the sides that do not touch the existing house. Also include a 10 foot wide access path from the disturbed area of the addition to the street or driveway.

All disturbed areas*	Disturbed areas in RPA	
<u>756</u> (sq. ft.)	_____ (sq. ft.)	Addition
_____ (sq. ft.)	_____ (sq. ft.)	Construction access
_____ (sq. ft.)	_____ (sq. ft.)	New drainfield [If required]
_____ (sq. ft.)	_____ (sq. ft.)	New utility connections [If required]
_____ (sq. ft.)	_____ (sq. ft.)	Total

*Is the total of all disturbed areas > 2,500 sq. ft.?
 Yes (stop - a grading plan is required) No (continue)

(c) Provide justification for the proposed encroachment into and/or impacts to the RPA.

- Can you reasonably avoid locating the addition in the RPA?
 Yes (stop) No (continue)

If no, briefly describe why it is not practical to locate the proposed encroachment outside of the RPA. (e.g. entire lot located in RPA, house has RPA on all sides, location outside of RPA would not meet minimum yard setbacks, existing utility easements constrain location, etc.)

Ex. House is in RPA

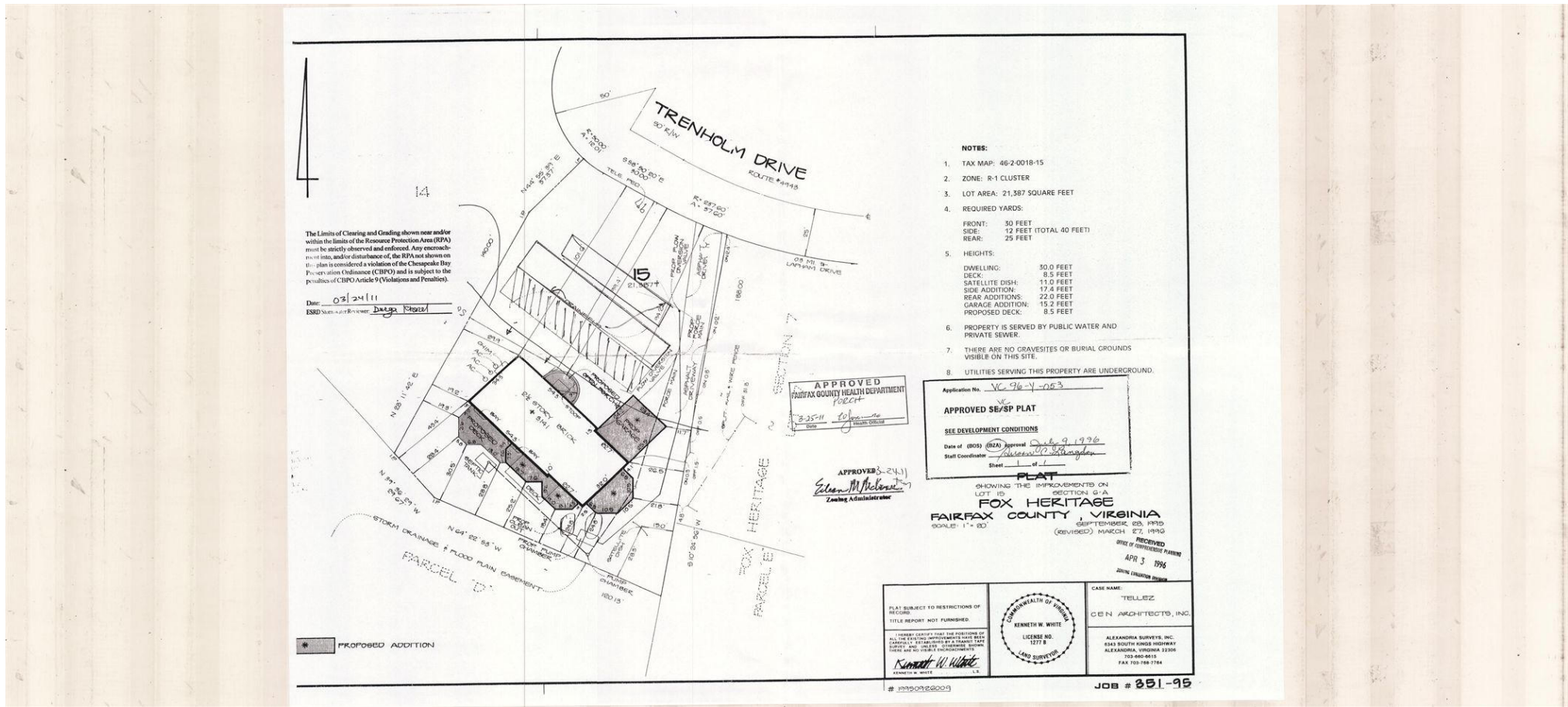
(d) Describe the extent and nature of any proposed disturbance or disruption of wetlands.

N/A

I hereby certify that the information provided above is true and correct to the best of my knowledge and request an exception to the requirements of the Chesapeake Bay Preservation Ordinance under Section 118-5-5, Minor Additions, to be allowed to construct the addition shown on the attached plat/grading plan.

[Signature] 03-24-11
 Signature Date
Wendelin Schuler Owner Contractor Other
 Applicant Name (Please Print)

Pro-Rata Share Computation:		For County Use Only
Watershed <u>Difficult Run</u>	Rate \$ <u>13414</u> (per acre)	
New Impervious Area <u>176.0</u> (ft ²) / 43,560 ft ² /ac. x Rate <u>13414</u> (\$ per acre) = \$ <u>54.20</u>		
[Pro-Rata Share is not required for attached decks constructed over existing maintained areas where rainfall is allowed to pass through the deck and no additional impervious area is created.]		
Exception No. <u>205-WQIA002</u>	<input checked="" type="checkbox"/> § 118-5-5(a) <input type="checkbox"/> § 118-5-5(b)	No review fee required for exception or WQIA
[Include exception no. and code reference on Building Permit application.]		
Recommended for approval by <u>Duega Pharel</u>	WQIA Review - ESRD	<u>03/24/2011</u> Date
Approved by <u>[Signature]</u>	Site Permits	<u>3-25-11</u> Date



The Limits of Clearing and Grading shown near and/or within the limits of the Resource Protection Area (RPA) must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on this plan is considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of CBPO Article 9 (Violations and Penalties).

Date: 03/24/11
 ESD: Shenandoah Review, Design, Sketch

- NOTES:**
1. TAX MAP: 462-0018-15
 2. ZONE: R-1 CLUSTER
 3. LOT AREA: 21,387 SQUARE FEET
 4. REQUIRED YARDS:
 FRONT: 30 FEET
 SIDE: 12 FEET (TOTAL 40 FEET)
 REAR: 25 FEET
 5. HEIGHTS:
 DWELLING: 30.0 FEET
 DECK: 8.5 FEET
 SATELLITE DISH: 11.0 FEET
 SIDE ADDITION: 17.4 FEET
 REAR ADDITIONS: 22.0 FEET
 GARAGE ADDITION: 15.2 FEET
 PROPOSED DECK: 8.5 FEET
 6. PROPERTY IS SERVED BY PUBLIC WATER AND PRIVATE SEWER.
 7. THERE ARE NO GRAVESITES OR BURIAL GROUNDS VISIBLE ON THIS SITE.
 8. UTILITIES SERVING THIS PROPERTY ARE UNDERGROUND.

APPROVED
 FAIRFAX COUNTY HEALTH DEPARTMENT
 Robert
 3/25/11
 Health Officer

APPROVED (S-243)
 Ellen M. Melton
 Zoning Administrator

Application No. VC-96-Y-053
APPROVED SE/SP PLAT
 SEE DEVELOPMENT CONDITIONS
 Date of (805) (82A) Approval: 04/9/96
 Staff Coordinator: [Signature]
 Sheet: 1 of 1

PLAT
 SHOWING THE IMPROVEMENTS ON SECTION 6-A
 LOT 105
FOX HERITAGE
 FAIRFAX COUNTY, VIRGINIA
 SEPTEMBER 23, 1993
 (REVISED) MARCH 27, 1998
 RECEIVED
 OFFICE OF ZONING & PLANNING
 APR 3 1996
 ZONING CLERK/RECORDS

PLAT SUBJECT TO RESTRICTIONS OF RECORDS TITLE REPORT NOT FURNISHED. I HEREBY CERTIFY THAT THE POSITION OF ALL THE CORNERS AND IMPROVEMENTS HAVE BEEN CORRECTLY LOCATED AND A MEASURED, SURETY AND UNDER GUARANTEE SURVEY HAS BEEN MADE AND THE CORNERS IMPROVEMENTS... Kenneth W. White KENNETH W. WHITE L.S. # 19950120003		CASE NAME: TELLEZ GEN ARCHITECTS, INC.
		ALEXANDRIA SURVEYS, INC. 8343 SOUTH KINGSMAN HIGHWAY ALEXANDRIA, VIRGINIA 22304 703-680-8015 FAX 703-680-7744

JOB # 251-95



RPA & Floodplain

CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REQUEST FORM AND WATER QUALITY IMPACT ASSESSMENT
FOR
MINOR ADDITIONS

Building Permit # 110950085 Exception # 265-WRPA-003-1
Tax Map # 46-2-18-0015
Owner Name(s) Thomas Tellez
Property Address 3141 Trenholm Dr

Project Information (check all boxes that apply)

- Attach copy of house location plat showing proposed construction
- Description of work (e.g. build deck over existing lawn area, build 2 story addition with garage...)

Deck

- Resource Protection Area (RPA) boundary and date of house construction
 - 1993 RPA 2003 RPA
 - House constructed prior to July 1, 1993 (1993 RPA or 2003 RPA) [§118-5-5(a)] 1979
 - House constructed between July 1, 1993 and November 17, 2003 (2003 RPA) [§118-5-5(b)]
- Has an exception for a minor addition been granted at any time in the past for this property?
 - Yes No If yes: Exception # / date 265-WRPA-001-1, 265-WRPA-002-1
- Cumulative impervious area in RPA for all for minor addition exceptions \leq than 1,000 sq. ft. or 2 % of lot area up to 2,500 sq. ft?

Lot Area 21387 (sq. ft.) Lot Area x 0.02 = _____ (sq. ft.)

Area of new attached deck _____ (sq. ft.) Pervious Impervious
[Count as impervious area if water cannot pass through the deck to a pervious surface (e.g. lawn).]

Sum all impervious areas

0 (sq. ft.) Area of new addition
0 (sq. ft.) Area of new attached deck (impervious)
441 (sq. ft.) Area added under prior exception ex # _____
441 (sq. ft.) Subtotal
 _____ (sq. ft.) Subtract the area of any existing impervious surfaces to be removed and replaced with pervious surfaces and any existing impervious surfaces over which the new addition or impervious deck is placed (include in description of work)
441 (sq. ft.) Net cumulative impervious area in RPA

Is the proposed project eligible for a "Minor Additions" exception?

Yes (continue) No (stop)

The proposed project is not eligible for a "Minor Additions" exception if:

- You are located in a 1993 RPA and your house was constructed after June 30, 1993;
- You are located in a 2003 RPA and your house was constructed after November 16, 2003; or
- The proposed addition creates a total cumulative impervious area for all minor additions that is greater than the larger of 1,000 sq. ft. or 2% of the lot area (up to a maximum of 2,500 sq. ft.).

For further information, contact a stormwater engineer in the Environmental and Site Review Division, Herrity Building - 5th floor, 12055 Government Center Parkway, Fairfax, VA 22035, telephone: 703-324-1720, TTY 711.

Water Quality Impact Assessment:

(a) Display the boundaries of the RPA (check one).

- RPA boundary shown on house location plat
- CBPA map attached with lot identified
- Other map (describe) added to plat

(b) Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems.

- Copy of house location plat showing proposed construction attached Yes
- Is any clearing or grading proposed other than removal of existing lawn, patio, or maintained landscaping? Yes No If the answer is yes, describe the vegetation to be removed (e.g. number, size, and type of trees or area of woods).

- Disturbed Area - In determining the disturbed area, add a 10 foot perimeter to the footprint of the addition on the sides that do not touch the existing house. Also include a 10 foot wide access path from the disturbed area of the addition to the street or driveway.

All disturbed areas*	Disturbed areas in RPA	
_____ (sq. ft.)	_____ (sq. ft.)	Addition
_____ (sq. ft.)	_____ (sq. ft.)	Construction access
_____ (sq. ft.)	_____ (sq. ft.)	New drainfield [If required]
_____ (sq. ft.)	_____ (sq. ft.)	New utility connections [If required]
_____ (sq. ft.)	_____ (sq. ft.)	Total

*Is the total of all disturbed areas > 2,500 sq. ft.?

- Yes (stop – a grading plan is required) No (continue)

(c) Provide justification for the proposed encroachment into and/or impacts to the RPA.

- Can you reasonably avoid locating the addition in the RPA? Yes (stop) No (continue)

If no, briefly describe why it is not practical to locate the proposed encroachment outside of the RPA. (e.g. entire lot located in RPA, house has RPA on all sides, location outside of RPA would not meet minimum yard setbacks, existing utility easements constrain location, etc.)

(d) Describe the extent and nature of any proposed disturbance or disruption of wetlands.

I hereby certify that the information provided above is true and correct to the best of my knowledge and request an exception to the requirements of the Chesapeake Bay Preservation Ordinance under Section 118-5-5, Minor Additions, to be allowed to construct the addition shown on the attached plat/grading plan.

Signature

Date

Applicant Name (Please Print) Owner Contractor Other _____

Pro-Rata Share Computation:		For County Use Only
Watershed <u>Difficult Run</u>	Rate \$ _____ (per acre)	
New Impervious Area <u>0</u> (ft ²) / 43,560 ft ² /ac. x Rate _____ (\$ per acre) = \$ _____		
[Pro-Rata Share is not required for attached decks constructed over existing maintained areas where rainfall is allowed to pass through the deck and no additional impervious area is created.]		
Exception No. <u>205WRPA-0031</u> <input type="checkbox"/> § 118-5-5(a) <input checked="" type="checkbox"/> § 118-5-5(b)	No review fee required for exception or WQIA	
[Include exception no. and code reference on Building Permit application.]		
Recommended for approval by <u>Effatih Salim</u>	WQIA Review - ESRD	<u>4-5-2011</u> Date
Approved by <u>[Signature]</u>	Site Permits	<u>4/5/11</u> Date



3141 Tremhold Dr



Unpermitted encroachment in the RPA of approximately 2,744 square feet consisting of a paver patio, outdoor stone sitting area, brick outdoor bar, stone water fountain and car port.

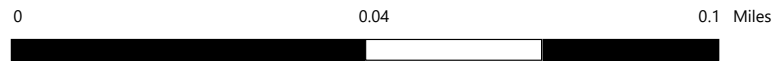
Legend

- Parcels
- Flood Plain Recorded
- Resource Protection Areas**
 - 1993 RPAs
 - 2003 RPAs
 - 2003 (Rev) RPAs

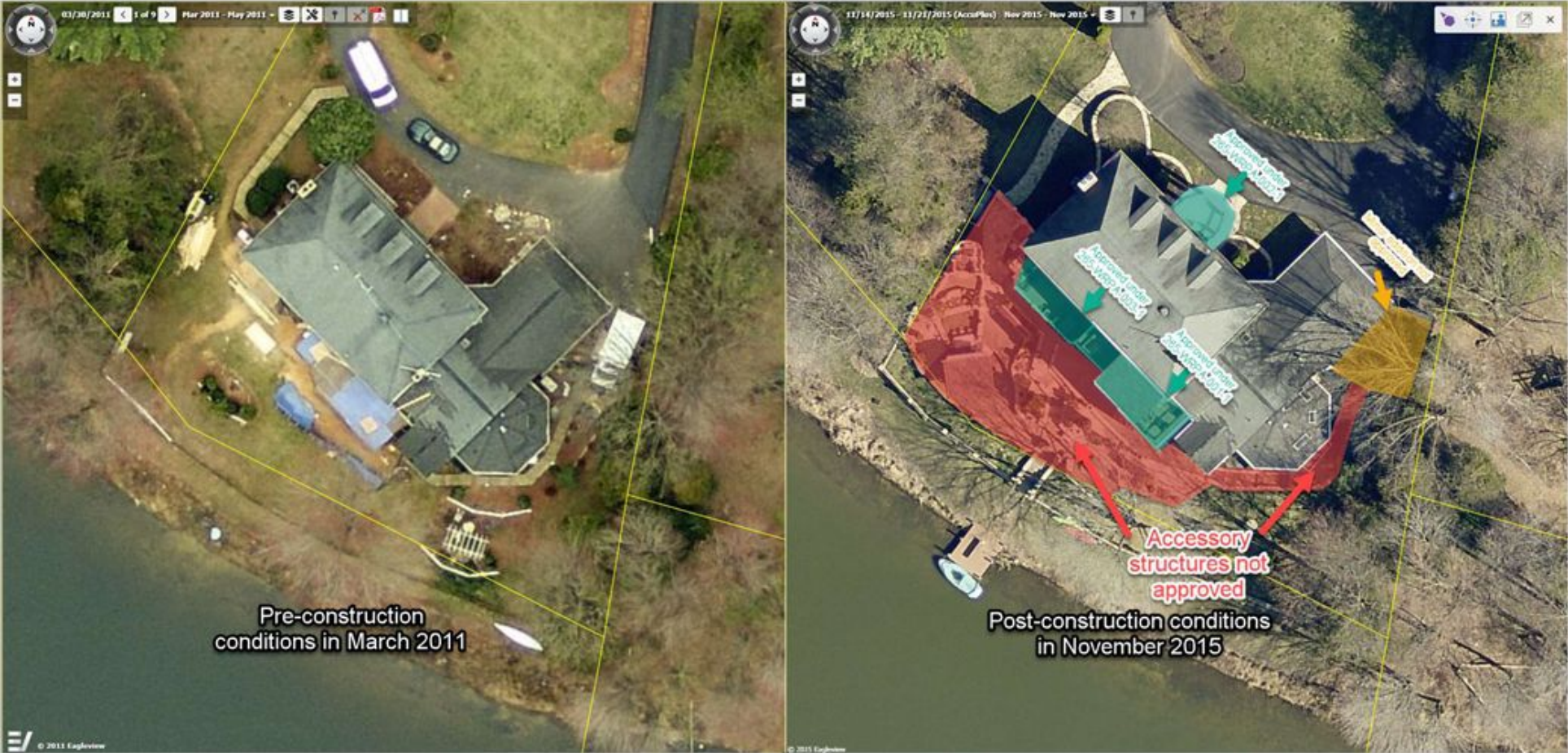
Notes:

Unpermitted encroachment in the RPA with a paver's patio and grill, car port.

Map produced: 3/27/2023



This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.



Attachment 7. Aerial Imagery of 3141 Trenholm Dr. – Pre and Post Construction Conditions, Approved and Not Approved Development

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).
 - 1. *First Amendment Law and the Use of Social Media by Government Officials*
 - 2. *Kimberly LaFave, et al. v. County of Fairfax, et al.*, Case No: 1:23-cv-1606 (E.D. Va.)
 - 3. *Jacqueline R. Humphries v. Haden, JLB McLean, LLC et al.*, Case No. 1:23-cv-01744 (E.D. Va.) (Providence District)
 - 4. *Wen Chen v. Franconia Police Station and Kamille Anyia Pickens*, Case No. CL-2024-0005698 (Fx. Co. Cir. Ct.)
 - 5. *Kamilah Williams v. Fairfax County Police Department*, Case No. CL-2024-0003549 (Fx. Co. Cir. Ct.)
 - 6. *Alonso Alfaro-Lopez v. Mark Robey*, Case No. GV24-006688 (Fx. Co. Gen. Dist. Ct.)
 - 7. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gaylor Leonard and Elizabeth A. Leonard*, Case No. GV24-006803 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Shi Hwa Kuan*, Case No. GV24-006801 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

Board Agenda Item
May 21, 2024

9. *Jay Riat, Building Official for Fairfax County, Virginia v. Hometown Audubon LLC, Case No. GV24-007234 (Fx. Co. Gen. Dist. Ct.) (Franconia District)*
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Yesenia Pleitez and Oscar Calderon, Case No. GV24-007259 (Fx. Co. Gen. Dist. Ct.) (Franconia District)*
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ben Thomas, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra Case No. CL-2022-0001863 (Fx. Co. Cir. Ct.) (Mason District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jay Riat, Building Official for Fairfax County, Virginia v. Oscar Maravilla, Case No. CL-2022-0013794 (Fx. Co. Cir. Ct.) (Mason District)*
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thomas John Kelly, Case No. GV24-000704 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*

Board Agenda Item
May 21, 2024

3:30 p.m.

Decision on the Validation and Conveyance of Property at the Franconia Governmental Center to the Fairfax County Redevelopment and Housing Authority (Franconia District)

ISSUE:

Validation and the conveyance of property located at the Franconia Governmental Center to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board validate and convey certain property at the Franconia Governmental Center to the FCRHA.

TIMING:

On January 23, 2024, the Board held a public hearing on this matter. Decision only was deferred from January 23, 2024, to May 21, 2024.

BACKGROUND:

On March 9, 2021, following a public hearing, the Board of Supervisors (Board) authorized the conveyance of five parcels of land located at 6121 Franconia Road and identified as Tax Map Nos. 81-3 ((05)) parcels 0002A, 0002B, 0002C1 and 0003A and Tax Map No. 81-3 ((08)) parcel 0503 (Property) to the Fairfax County Redevelopment and Housing Authority (FCRHA). The approximately 3.25-acre property is improved with the Franconia Governmental Center, a 25,800 square foot building constructed in 1992 that incorporates three facilities: the Franconia District Supervisor's Office, the Franconia Police Station and the Franconia Museum and is no longer adequate for these purposes, which are in the process of being relocated to another facility.

The FCRHA is currently negotiating with a developer to expand the County's affordable housing portfolio by constructing a multifamily affordable development on the Property. During this process, concerns have been raised regarding the validity of the March 9, 2021, public hearing that effectuated the conveyance. Although staff does not share these concerns, this item is intended to fully address this issue by both validating the original conveyance and, after having repeated the public hearing on January 23, 2024, reauthorizing the conveyance of the Property to the FCRHA.

Board Agenda Item
May 21, 2024

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

Attachment 2 – Resolution

STAFF:

Christopher Leonard, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development

ASSIGNED COUNSEL:

Alan M. Weiss, Assistant County Attorney



RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on Tuesday, May 21, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, on March 9, 2021, the Board of Supervisors authorized the conveyance of land known as the Franconia Governmental Center and identified as Tax Map Nos. 81-3 ((05)) parcels 0002A, 0002B, 0002C1 and 0003A and Tax Map No. 81-3 ((08)) parcel 0503 (Property) to the Fairfax County Redevelopment and Housing Authority (FCRHA); and

WHEREAS, the FCRHA is currently negotiating with a developer to expand affordable housing in Fairfax County by using the Property for multifamily affordable housing; and

WHEREAS, the Board finds that its conveyance of the Property to the FCRHA pursuant to the March 9, 2021, public hearing was in the best interest of the residents of Fairfax County and that the March 9, 2021, public hearing and subsequent conveyance of the Property to the FCRHA were valid; and

WHEREAS, out of an abundance of caution, the Board held another public hearing on the conveyance of the Property to the FCRHA on January 23, 2024, to resolve any concerns about the validity of the March 9, 2021, public hearing;

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that the Board of Supervisors finds that the March 9, 2021, conveyance was in the best interest of the residents of Fairfax County and is hereby validated.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
May 21, 2024

3:30 p.m.

Public Hearing on SEA 91-D-016-02 (Virginia Restaurants, LLC) to Amend SEA 91-D-016 Previously Approved for an Increase in Height and FAR in the C-8 District for a Hotel, a Restaurant and two Restaurants with Drive Throughs to Allow Site Modifications, and an Increase in the Number of Drive Through Lanes at an Overall FAR of 0.58, Located on Approximately 7.86 Acres of Land (Dranesville District)

This property is located at 2170 Centreville Rd., Herndon, 20170. Tax Maps 16-1 ((1)) 8 and 9.

PLANNING COMMISSION RECOMMENDATION:

On April 3, 2024, the Planning Commission voted 10-0 (Commissioners Murphy and Lagana were absent from the meeting) to recommend to the Board of Supervisors approval of SEA 91-D-016-02, subject to the development conditions dated March 21, 2024.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Andrew Stone, Planner, DPD

Board Agenda Item
May 21, 2024

3:30 p.m.

Public Hearing on PCA 79-P-038-03 (RZPA 2023-PR-00082) (Juniper Place, LLC) to Amend the Proffers for RZ 79-P-038 Previously Approved for Industrial Development to Permit Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.069, Located on Approximately 20,066 Square Feet of Land (Providence District)

This property is located on the W. side of Juniper St., approx. 600 ft. N. of Route 29. Tax Map 49-2 ((5)) 5.

PLANNING COMMISSION RECOMMENDATION:

On May 1, 2024, the Planning Commission voted 11-0 (Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors approval of PCA 79-P-038-03, subject to the execution of proffered conditions consistent with those dated April 15, 2024.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Andrew Stone, Planner, DPD

Board Agenda Item
May 21, 2024

3:30 p.m.

Public Hearing on SE 2023-SU-00030 (Tyson & Friends LLC d/b/a The Dog Stop) to Permit the use of Outdoor Components Associated with an Indoor Kennel, Located on Approximately 43,062 Square Feet of Land (Sully District)

This property is located at 6001 Centreville Crest Ln., Centreville, 20121. Tax Map 54-4 ((1)) 117 (pt.).

PLANNING COMMISSION RECOMMENDATION:

On April 24, 2024, the Planning Commission voted 10-0 (Commissioners Murphy and Bennett were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of SE 2023-SU-00030, subject to the development conditions dated April 11, 2024;
- Approval of a modification of the Zoning Ordinance off-street parking setback requirement from an adjoining property in a residential district from 50 feet to 44.1 feet as shown on the SE Plat; and
- Approval of a modification of the Zoning Ordinance fence height requirement in the front yard from 4 feet tall to 8 feet tall as shown on the SE Plat.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Andrew Stone, Planner, DPD

Board Agenda Item
May 21, 2024

3:30 p.m.

Public Hearing on SEA 2015-MV-003 (Claudia C. Tramontana And First Years Learning Center LLC) to Amend SE 2015-MV-003 Previously Approved for a Home Child Day Care Facility, to Amend Development Conditions to Permit up to 12 Children, Located on Approximately 10,488 Square feet of Land (Mount Vernon District)

This property is located at 6614 Winstead Manor Ct. Lorton, 22079. Tax Map 99-2 ((17)) 34.

PLANNING COMMISSION RECOMMENDATION:

On March 13, 2024, the Planning Commission voted 9-2 (Commissioners Clarke and Sargeant voted in opposition. Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors approval of SEA 2015-MV-003.

The previous motion to recommend denial of the application failed 2-9 (Commissioners Bennett, Carter, Cortina, Hancock, Lagana, Niedzielski-Eichner, Spain, Ulfelder, Wang voted in opposition. Commissioner Murphy was absent from the meeting).

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Daniel Creed, Planner, DPD

Board Agenda Item
May 21, 2024

3:30 p.m.

Public Hearing on RZ 2022-DR-00007 (Dulles Center LLC) to Rezone from PDC to PDH-12 to Permit 48 Stacked Townhouse Dwellings with an Overall Density of 11.38 Dwelling Units per Acre Inclusive of Bonus Density Associated with Affordable Housing and to Carry Forward the Previously Approved Drive Through Financial Institution on a Conceptual Development Plan, Located on Approximately 4.69 Acres of Land (Dranesville District)

This property is located in the N.W. quadrant of the intersection of Centerville Rd. and Coppermine Rd. Tax Map 16-3 ((1)) 6A, 6A1, 6B, 36 and 36A.

This public hearing was deferred by the Board on March 19, 2024, at 3:30 p.m., to May 21, 2024, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On February 7, 2024, the Planning Commission voted 10-0 (Commissioners Murphy and Hancock were absent from the meeting) to recommend to the Board of Supervisors approval of the following actions:

- Approval RZ 2022-DR-00007 and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated January 26, 2024;
- Reaffirmation of a modification of the transitional screening and barrier requirements along the southern boundary line between the existing financial institution and residential community across Coppermine Road in favor of the existing landscaping shown on the CDP/FDP;
- Reaffirmation of a modification of the transitional screening and barrier requirements along the southwestern boundary line between the existing bank and church in favor of the existing landscaping shown on the CDP/FDP;
- Reaffirmation of a waiver of the loading space requirement for the drive-through financial institution;
- Approval of a modification of the secondary use limitations in the PDH-12 District to allow for the commercial secondary use land area to exceed 300 square feet/dwelling unit; and

Board Agenda Item
May 21, 2024

- Approval of a modification of the secondary use limitations in the PDH-12 District to allow for the commercial secondary use land area to exceed 300 square feet/ dwelling unit.

In a related action, the Planning Commission voted 10-0 (Commissioners Murphy and Hancock were absent from the meeting) to approve FDP 2022-DR-00007, subject to the Board of Supervisors' approval of the concurrent rezoning application.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Tabatha Cole, Planner, DPD

Board Agenda Item
May 21, 2024

3:30 p.m.

Public Hearing on PCA 2011-PR-023-04/ CDPA 2011-PR-023-03 (RZPA 2022-PR-00115) (Cityline Partners LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2011-PR-023 for Block C2, Previously Approved for Office and Retail Uses, to Permit Residential and Retail Uses and Associated Modifications to Proffers and Site Design at a 2.18 Floor Area Ratio, Located on Approximately 2.92 Acres of Land (Providence District)

This property is located on the S. side of Westpark Dr., E. of its intersection with Westbranch Dr., and W. of its intersection with Jones Branch Dr. Tax Map 29-4 ((7)) 3A1.

This public hearing was deferred by the Board on May 7, 2024, at 3:30 p.m., to May 21, 2024, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

~~On April 3, 2024, the Planning Commission voted 9-0-1 (Commissioners Murphy and Lagana were absent from the meeting. Commissioner Bennett abstained from the vote) to defer the consideration of PCA 2011-PR-023-04, CDPA 2011-PR-023-03, and FDP 2011-PR-023-06 for an additional public hearing on May 15, 2024. Any testimony that was provided at the first public hearing on April 3, 2024 will be included as part of the record. All persons who testified at the first hearing are already on record and do not need to testify again at the additional hearing. In addition, the Planning Commission recommended that the Board of Supervisors public hearing on the applications be rescheduled to the next available date.~~

~~The Planning Commission's recommendation will be forwarded upon decision.~~

On May 15, 2024, the Planning Commission voted 8-1-1 (Commissioners Murphy and Spain were absent from the meeting. Commissioner Carter voted in opposition and Commissioner Clarke abstained from the vote) to recommend to the Board of Supervisors the following:

- **Approval of PCA 2011-PR-023-04 and CDPA 2011-PR-023-03, subject to the execution of proffers consistent with those dated May 13, 2024; and**
- **Approval of a modification of subsection 5100.2.C(5) of the Zoning Ordinance to allow a parapet wall, cornice, or similar projection to exceed the height limit established by more than three (3) feet.**

Board Agenda Item
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In related action, the Planning Commission voted 8-1-1 (Commissioners Murphy and Spain were absent from the meeting. Commissioner Carter voted in opposition. Commissioner Clarke abstained from the vote) to approve FDP 2011-PR-023-06.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Sunny Yang, Planner, DPD

Board Agenda Item
May 21, 2024

4:00 p.m.

Public Hearing on PRC 80-C-111-02 (Fairfax County School Board, A Body Corporate) to Approve the PRC Plan Associated with RZ 80-C-111 to Permit Renovation and Building Additions for Armstrong Elementary School, Located on Approximately 14.31 Acres of Land (Hunter Mill District)

This property is located along Fairfax County Parkway (Rt. 286) and N. of Lake Newport Rd. Tax Map 11-3 ((1)) 12.

PLANNING COMMISSION RECOMMENDATION:

On March 13, 2024, the Planning Commission voted 11-0 (Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PRC-80-C-111-02, subject to the PRC conditions consistent with those dated March 12, 2024;
- Modification of subsection 4102.7.A(7)(b)1 of the Zoning Ordinance to permit the existing 10-foot-tall chain-link fence along the Fairfax County Parkway to serve as the barrier requirement as shown on the PRC Plan;
- Modification of subsection 5108.5.C of the Zoning Ordinance of the barrier requirement along the Fairfax County Parkway in favor of the existing 10-foot chain-link fence as shown on the PRC Plan; and
- Waiver of subsection 5108.5.C of the Zoning Ordinance of the barrier requirement for the northern, eastern, and southern boundaries of the subject property.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

Board Agenda Item
May 21, 2024

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Karen Yee, Planner, DPD

Board Agenda Item
May 21, 2024

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment from Aplomado Drive to Parakeet Drive (Springfield District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-087-003, Burke Road Realignment from Aplomado Drive to Parakeet Drive, in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On April 16, 2024, the Board authorized advertisement of a public hearing to be held on May 21, 2024, commencing at 4:00 p.m.

BACKGROUND:

This project consists of the realignment of Burke Road to eliminate the sharp substandard curve between Heritage Square Drive and Mill Cove Court and includes replacement of the existing storm drainage pipe at the stream crossing. This will improve both safety and sight distance, while minimizing roadway flooding. This project also includes the installation of ADA-compliant ramps, pedestrian sidewalk, asphalt trail, and a connection to the existing Liberty Bell Trail along the project length of Burke Road from Aplomado Drive to Parakeet Drive.

Land rights for these improvements are required on 13 properties, 10 of which have been acquired by the Land Acquisition Division (LAD). The construction of the project requires the acquisition of Dedications and Conveyances, Grading Agreement and Temporary Construction Easements, Dominion Easements, Verizon Easements, and Cox Easements.

Negotiations are in progress with owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, *Va. Code*

Board Agenda Item
May 21, 2024

Ann Sections 15.2-1901 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:

The project area is located within a Census block with an average Vulnerability level according to the Fairfax County Vulnerability Index. More than 39% of residents in this block are in low-income occupations, and approximately 50% of the residents have low educational attainment.

The project and this action align with multiple focus areas of the One Fairfax Policy. Construction of the proposed walkway supports focus area 2, safely connecting more housing units to multiple modes of transport. Improved walkability ensures that focus area 8's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained travel route between neighborhoods. The overall goal of the project aligns with focus area 11's guidance to protect existing stable neighborhoods and green spaces, and thereby allow residents to access transportation modes which promotes employment opportunities, housing, amenities, and services for all. This project will provide increased access to the Liberty Bell Trail, promoting focus area 13's goal of reliable access to Fairfax County Park Authority resources. Finally, the project promotes focus area 14's goal of providing a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

LAD project locations are chosen by other departments, resulting in the division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner. The Division provides transparency of practice and attempts to offer reasonable language and disability accommodation from the start of the acquisition process.

As a result of the project design, ensured by the process used to obtain land rights, the overall impact of this action provides a positive equity impact.

Board Agenda Item
May 21, 2024

FISCAL IMPACT:

Funding is available in Project 2G40-087-000, Spot Program in Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2024 – FY 2028 Adopted Capital Improvement Program (with future Fiscal Years to FY 2033) and is included in the Board's Transportation Priorities Plan (TPP) adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

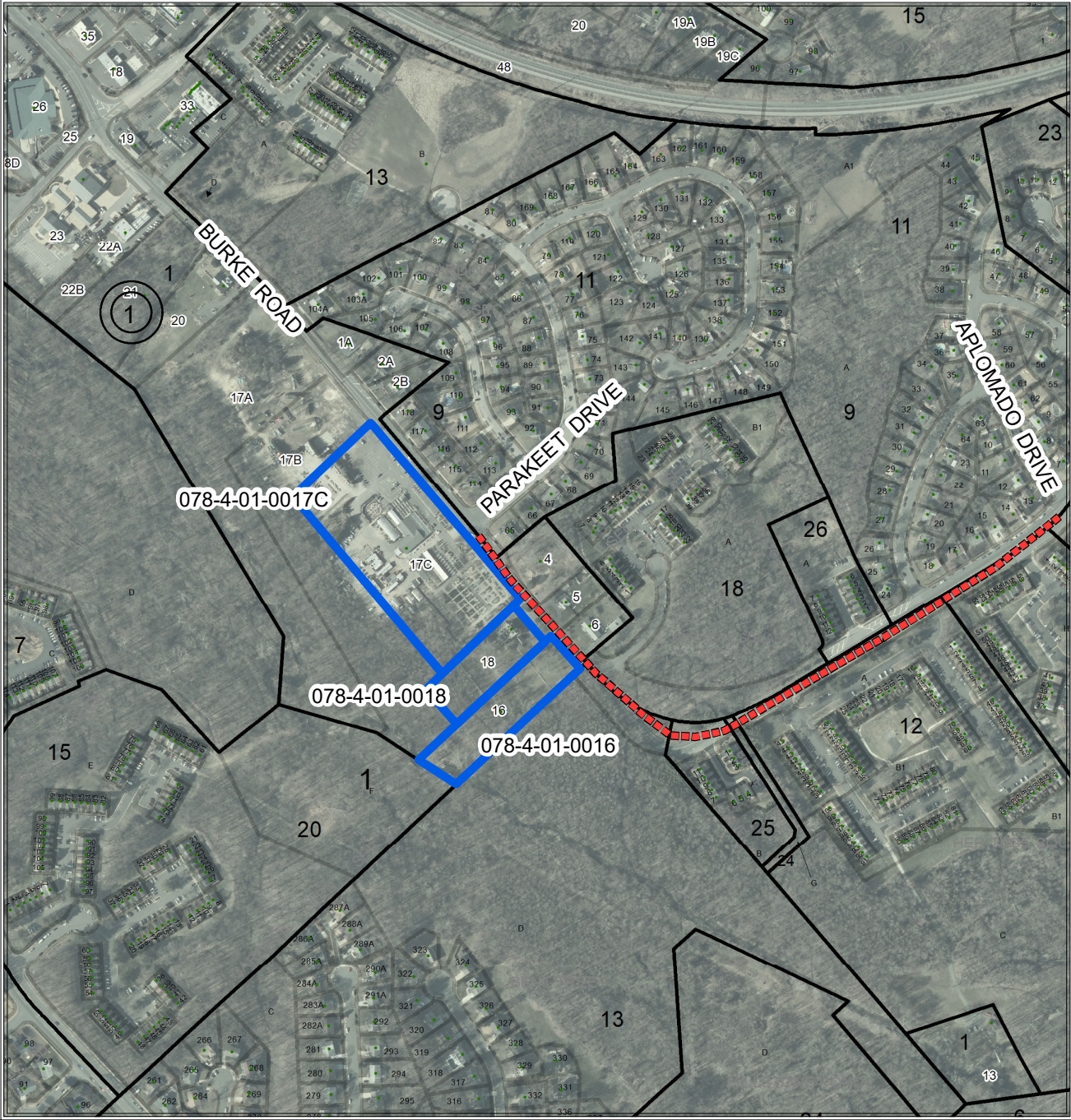
Attachment A – Project Location Map
Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 3D).

STAFF:

Rachel Flynn, Deputy County Executive
Christina Jackson, Deputy County Executive/Chief Financial Officer
Philip Hagen, Director, Management and Budget
Gregg Steverson, Acting Director, Fairfax County Department of Transportation
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Carey F. Needham, Deputy Director, Capital Facilities, DPWES

ASSIGNED COUNSEL:

Hayden Coddling, Assistant County Attorney



**BURKE ROAD REALIGNMENT
APLOMADO DRIVE TO PARAKEET DRIVE**

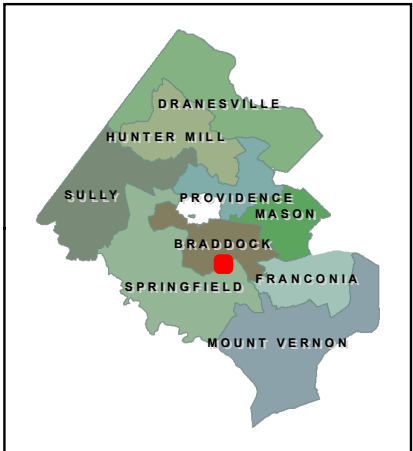
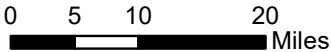
Project 2G40-087-003

Tax Map: 078-4

Springfield District

Affected Properties:

Proposed Improvements:



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, May 21, 2024, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 2G40-087-003, Burke Road Realignment from Aplomado Drive to Parakeet Drive had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than July 3, 2024.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 3D by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of the realigning of Burke Road to eliminate the sharp substandard curve between Heritage Square Drive and Mill Cove Court and includes replacement of the existing storm drainage pipe at the stream crossing, improving both safety and sight distance, while minimizing roadway

flooding. This project also includes the installation of ADA-compliant ramps, pedestrian sidewalk, asphalt trail, and a connection to the existing Liberty Bell Trail along the project length of Burke Road from Aplomado Drive to Parakeet Drive. as shown and described in the plans of Project 2G40-087-003, Burke Road Realignment from Aplomado Drive to Parakeet Drive on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or after June 21, 2024, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 2G40-087-003, Burke Road Realignment from Aplomado Drive to Parakeet
Drive
(Springfield District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. Ronald A. and Leta DeAngelis Address: 9401 Burke Road Burke, VA 22015	078-4-01-0017C
2. Vu Doan and My Nguyen Address: 9319 Burke Road Burke, VA 22015	078-4-01-0016
3. Vu Doan and My Nguyen Address: 9325 Burke Road Burke, VA 22015	078-4-01-0018

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0017C

Street Address: 9401 Burke Rd., Burke, VA 22015

OWNERS: Ronald A. and Leta DeAngelis

INTERESTS REQUIRED: (As shown on attached plat 1A)

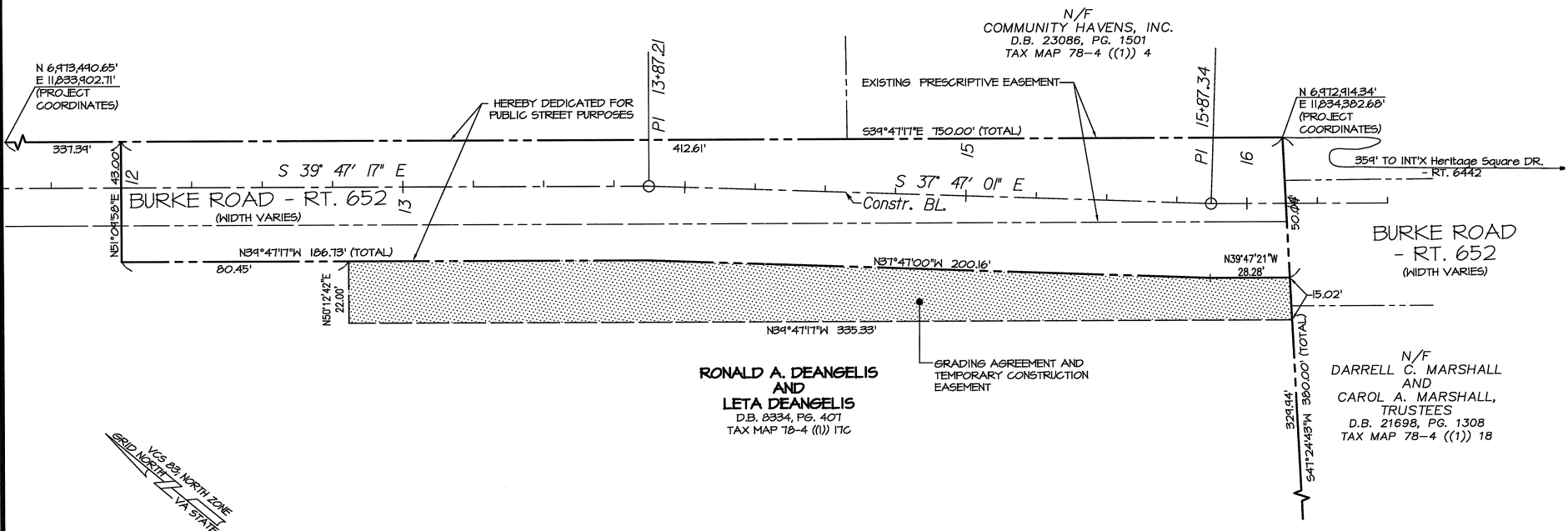
Dedication and Conveyance – 18,684 square feet

Grading Agreement and Temporary Construction Easement – 6,469 square feet

VALUE

Estimated value of interests and damages:

SIXTY-ONE THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS (\$61,665.00)



VC 28 NORTH ZONE
GRID NORTH 1/4 STATE

**RONALD A. DEANGELIS
AND
LETA DEANGELIS**
D.B. 0334, PG. 401
TAX MAP 78-4 ((1)) ITC

GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION
EASEMENT

N/F
COMMUNITY HAVENS, INC.
D.B. 23086, PG. 1501
TAX MAP 78-4 ((1)) 4

N/F
**DARRELL C. MARSHALL
AND
CAROL A. MARSHALL,
TRUSTEES**
D.B. 21698, PG. 1308
TAX MAP 78-4 ((1)) 18

NOTES:

- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
- THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND SHOWN ON THIS PLAT.
- THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
- ALL PREVIOUSLY RECORDED RIGHT-OF-WAYS, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
- THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 78-4((1)) ITC.

BURKE ROAD - APLOMADO DRIVE TO PARAKEET
DRIVE
PROJECT NUMBER 2640-087-003

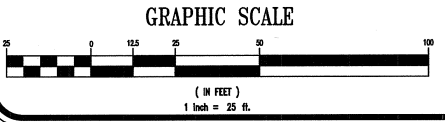
FAIRFAX COUNTY, VIRGINIA DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES CAPITAL FACILITIES, LAND SURVEY BRANCH 12000 GOVERNMENT CENTER PARKWAY FAIRFAX, VIRGINIA		
PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH THE PROPERTY OF RONALD A. DEANGELIS AND LETA DEANGELIS D.B. 0334, PG. 401 SPRINGFIELD DISTRICT FAIRFAX COUNTY, VIRGINIA SHEET 1 OF 1		
SCALE: 1"=25'	DATE: 7/26/19	DRAWN BY: JLG



DEDICATION AREA
DEDICATION FOR PUBLIC STREET PURPOSES = 18,684 SQ. FT.

EASEMENT AREA
GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENT = 6,469 SQ. FT.

DEDICATION AREA DETAIL
DEDICATION FOR PUBLIC STREET PURPOSES = 12,400 SQ. FT.
WITHIN PRESCRIPTIVE RIGHT-OF-WAY
DEDICATION FOR PUBLIC STREET PURPOSES = 6,284 SQ. FT.
OUTSIDE PRESCRIPTIVE RIGHT-OF-WAY



V:\15026\15026-03 Burke RD\PLATS\0334\15026-03-01-0017C.dwg | Plotted on 7/29/2019 3:03 PM | by Jennifer Gilm

Engineering * Surveying * Land Planning * Transportation * Environmental Services
 9385 Discovery Boulevard, Suite 200, Manassas VA, 20109
 Telephone: (703) 368-7373
 Fax: (703) 257-5443

Rinker Design Associates, P.C.

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0016

Street Address: 9319 Burke Rd., Burke, VA 22015

OWNERS: Vu Doan and My Nguyen

INTERESTS REQUIRED: (As shown on attached plats 2A, 2B, 2C, 2D)

Dedication and Conveyance – 7,133 square feet

Grading Agreement and Temporary Construction Easement – 2,150 square feet

Cox Easement – 1,950 square feet

Dominion Easement – 1,950 square feet

Verizon Easement – 1,950 square feet

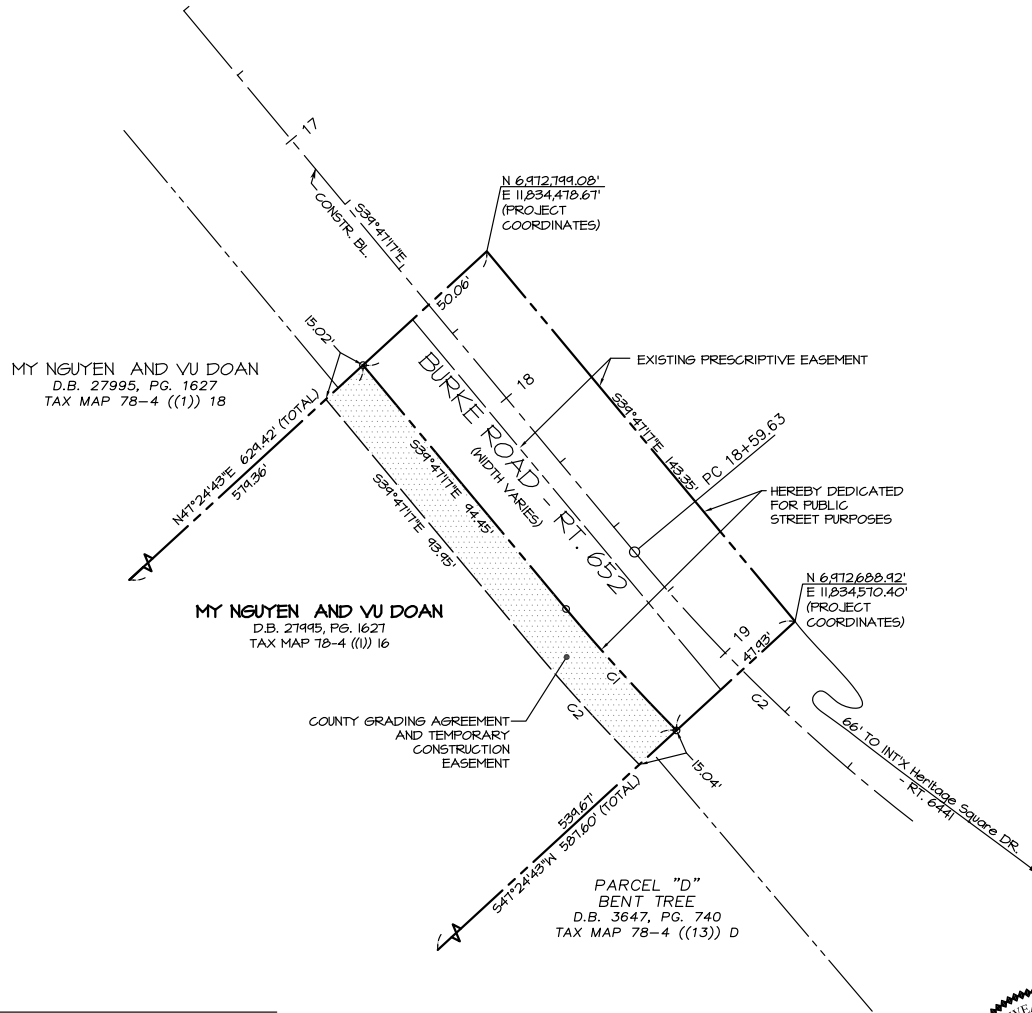
VALUE

Estimated value of interests and damages:

TWENTY-NINE THOUSAND THREE HUNDRED DOLLARS (\$29,300.00)



CURVE TABLE						
CURVE	RADIUS	ARC	TANGENT	CHORD	BEARING	DELTA
C1	562.50'	48.85'	24.44'	48.84'	S42°16'34"E	4°58'35"
C2	514.00'	44.36'	24.70'	44.35'	S42°13'44"E	4°53'04"



NOTES:

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND SHOWN ON THIS PLAT.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHT-OF-WAYS, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

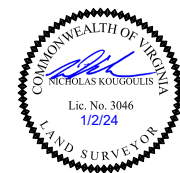
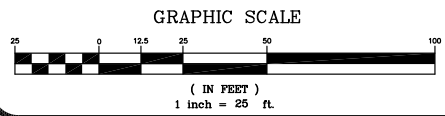
THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 78-4-((1)) 16.

SEE THE ACCOMPANYING DEED TO THIS PLAT FOR INFORMATION ON USE, OWNERSHIP, MAINTENANCE AND CONDITIONS OF EASEMENTS SHOWN.

DEDICATION AREA
DEDICATION FOR PUBLIC STREET PURPOSES = 7,133 SQ. FT.

EASEMENT AREA
COUNTY GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT = 2,150 SQ. FT.

DEDICATION AREA DETAIL
DEDICATION FOR PUBLIC STREET PURPOSES = 4,300 SQ. FT. WITHIN PRESCRIPTIVE RIGHT-OF-WAY
DEDICATION FOR PUBLIC STREET PURPOSES = 2,833 SQ. FT. OUTSIDE PRESCRIPTIVE RIGHT-OF-WAY



BURKE ROAD - APLOMADO DRIVE TO PARAKEET DRIVE
PROJECT NUMBER 2640-081-003

FAIRFAX COUNTY, VIRGINIA
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PARKWAY
FAIRFAX, VIRGINIA

PLAT SHOWING
DEDICATION FOR PUBLIC STREET PURPOSES AND
COUNTY GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH THE PROPERTY OF
MY NGUYEN AND VU DOAN
D.B. 21945, PG. 1621
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
SHEET 1 OF 1

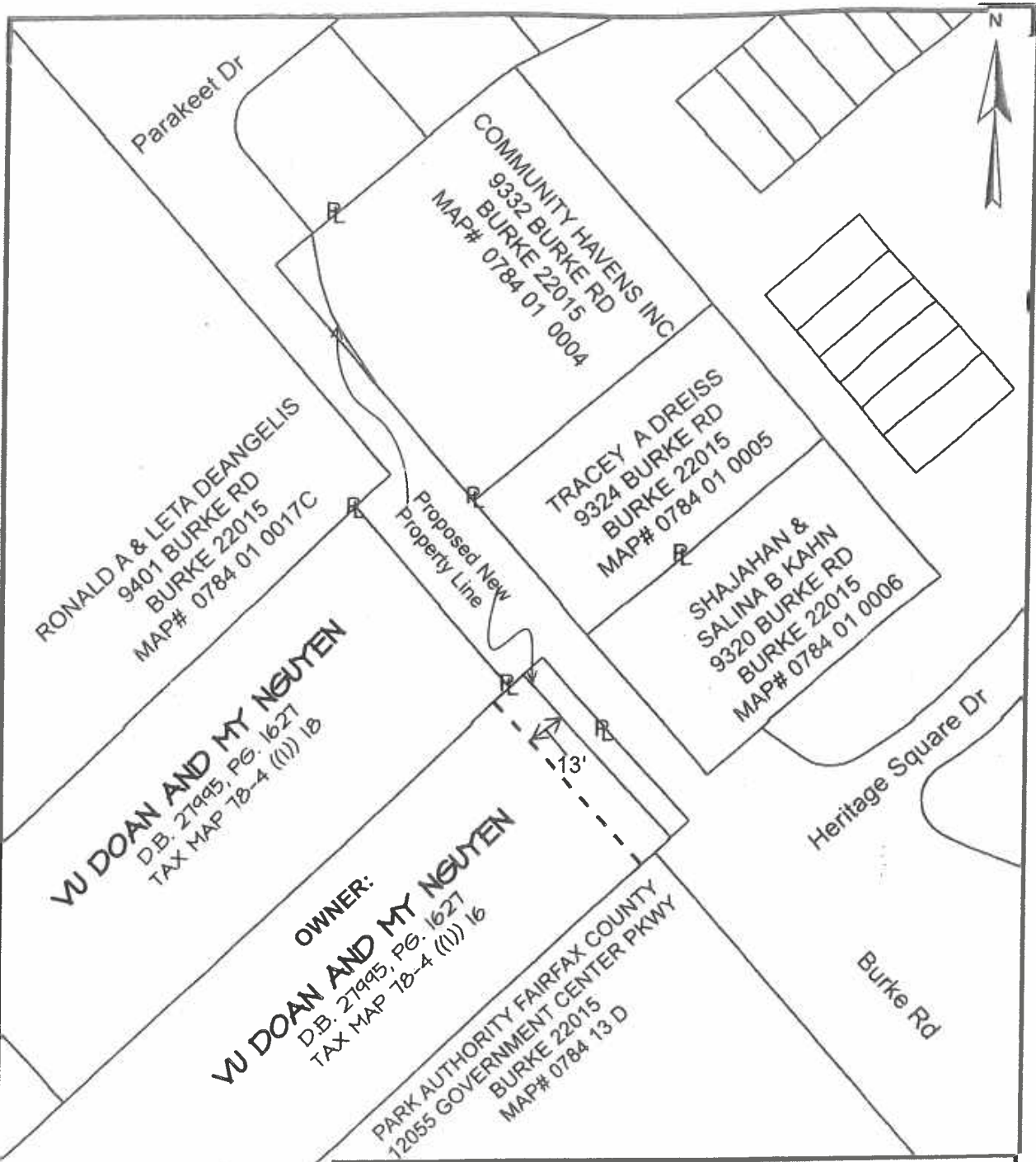
SCALE: 1"=25' DATE: 01/02/24 DRAWN BY: JLG

V:\15026\15026-03_Burke_Rd\Plats\0307TM_078-4-01-0016.dwg | Plotted on 1/2/2024 11:18 AM | by Kevin Fennell

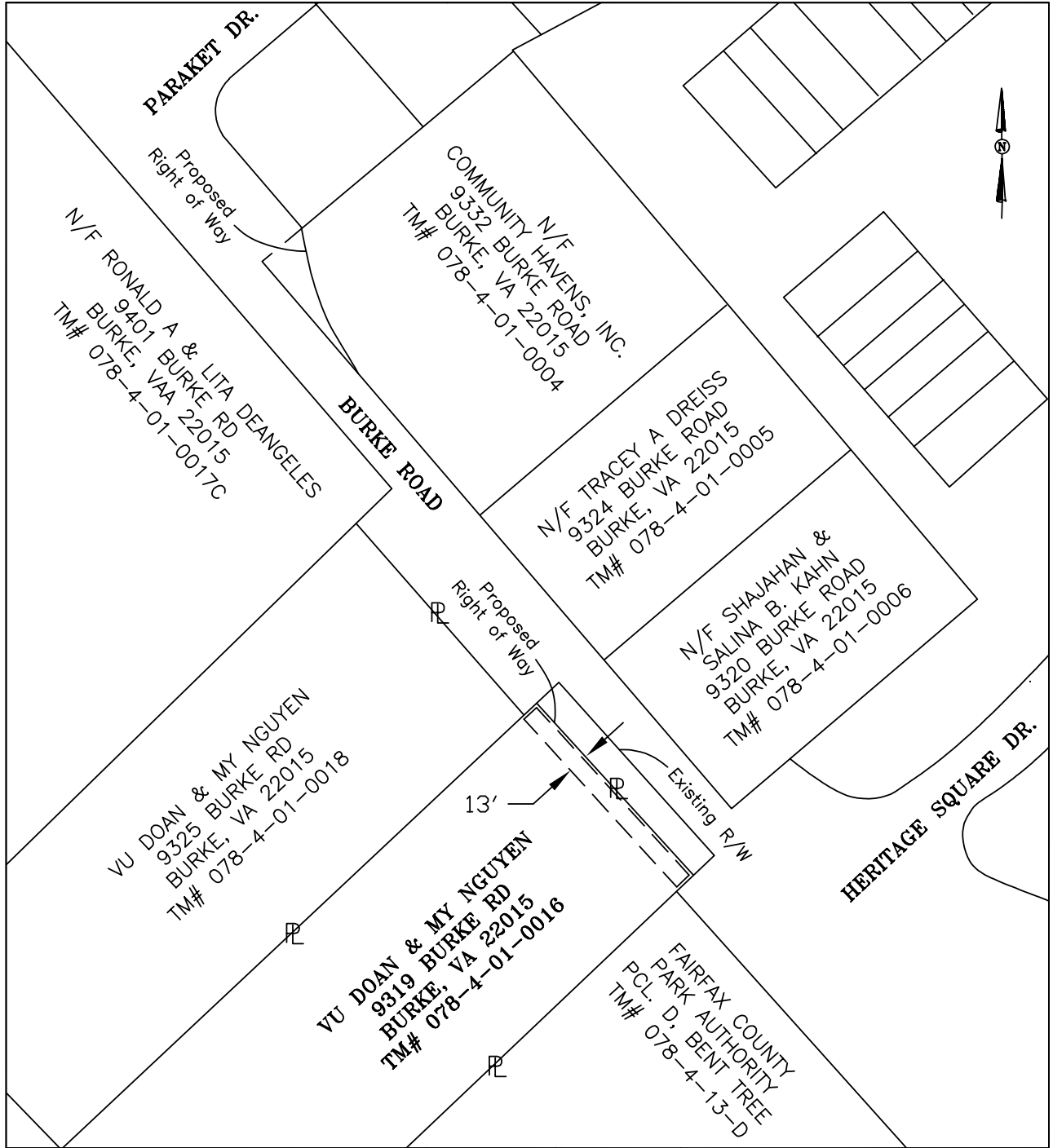
Engineering * Surveying * Land Planning * Transportation * Environmental Services
9385 Discovery Boulevard, Suite 200, Manassas VA, 20109
Telephone: (703) 368-7373 Fax: (703) 257-5443

Rinker Design Associates, P.C.



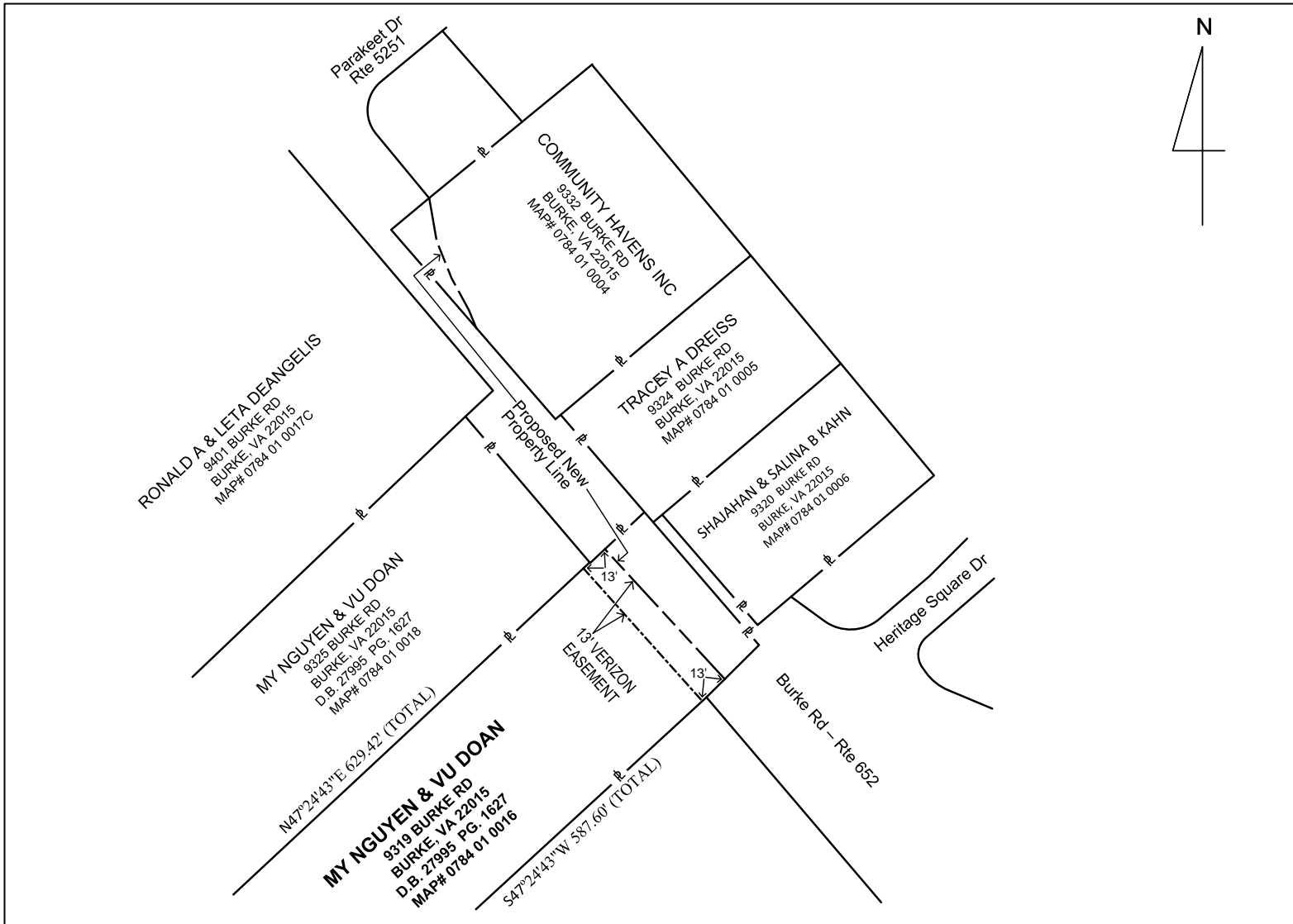
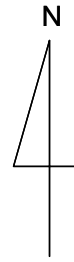


LEGEND - - - Location of Boundary Lines of Right-of-Way XX' in Width. Indicates Property Line is Right-of-Way Boundary XX' in Width.	Scale NTS	
	District-Township-Borough County - City state BURKE FAIRFAX	
DATE: _____	OWNER INITIALS: _____	



LEGEND --- Location of Boundary Lines of Right-of-Way = [Symbol] = Indicates Property Line is Right-of-Way Boundary Boundary	Region	Local Office	State	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT OH VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia
	NORTHWEST	SPRINGFIELD	VIRGINIA	
	County-City		Grid Number	
	FAIRFAX COUNTY		C0513	
Work Request No.	DEVID No.	Scale		
102783222	40-19-0219	Not to Scale		
Date	By			
OCT. 19, 2023	JAMES W. WEST			
OWNER INITIALS _____				Page 5 of 5

Attachment 2D



VERIZON VIRGINIA LLC RIGHT-OF-WAY EXHIBIT "A"				
— — —		DENOTES \perp AND/OR PROW		
- - - - -		DENOTES LIMITS OF EASEMENT		
EA: ANTONIO ASHBY PHONE NO.: 571-417-0198				
OWNER / GRANTOR: MY NGUYEN & VU DOAN 6425 MILLER DR ALEXANDRIA, VA 22315				
SITE PLAN REFERENCE: 9319 BURKE RD				
CONTACT NAME:				
CONTACT TELEPHONE:				
CENTRAL OFFICE: Braddock				
CITY / COUNTY: Fairfax County				
TAX MAP # / RPC 0784-01-0016				
MAGISTERIAL DISTRICT: Springfield				
NVSM	SHEET	E-W	N-S	PG. 4
	51	B	9	OF 4
FILE NO. PAOHCC 2019-0303 Rev 6				

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0018

Street Address: 9325 Burke Rd., Burke, VA 22015

OWNERS: Vu Doan and My Nguyen

INTERESTS REQUIRED: (As shown on attached plats 3A, 3B, 3C, 3D)

Grading Agreement and Temporary Construction Easement – 3,771 square feet

Cox Easement - 225 square feet

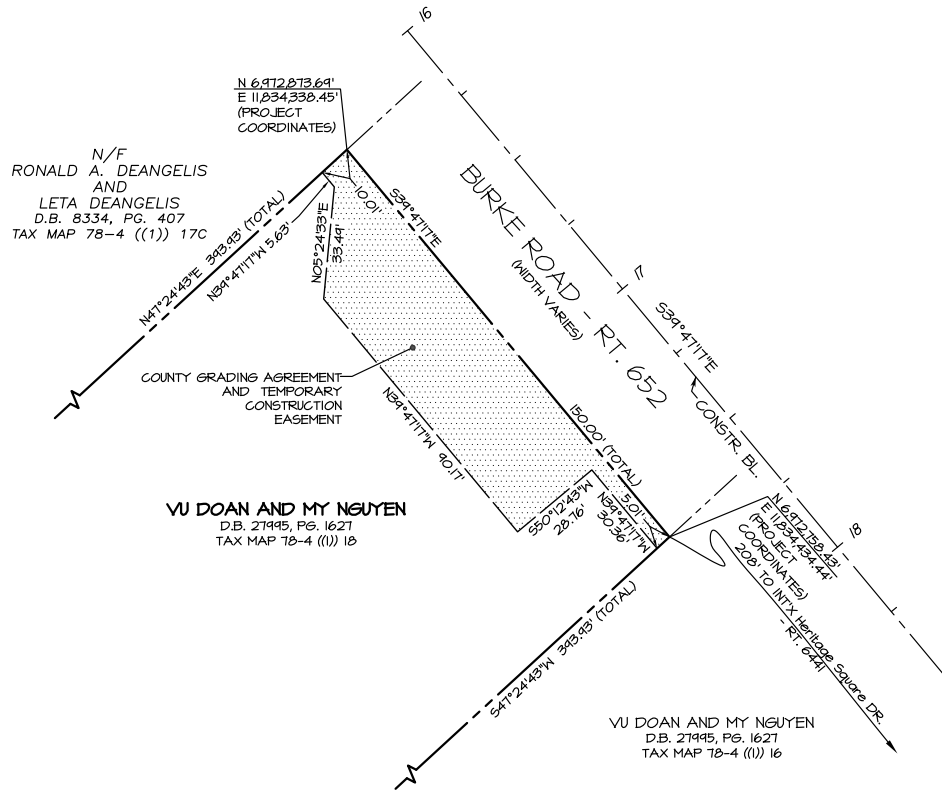
Dominion Easement - 225 square feet

Verizon Easement – 225 square feet

VALUE

Estimated value of interests and damages:

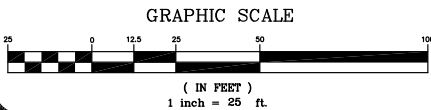
TWENTY-THREE THOUSAND FIVE HUNDRED FIVE DOLLARS (\$23,505.00)



NOTES:

- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
- THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND SHOWN ON THIS PLAT.
- THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
- ALL PREVIOUSLY RECORDED RIGHT-OF-WAYS, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
- THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 78-4-(11) 18.
- SEE THE ACCOMPANYING DEED TO THIS PLAT FOR INFORMATION ON USE, OWNERSHIP, MAINTENANCE AND CONDITIONS OF EASEMENTS SHOWN.

EASEMENT AREA
 COUNTY GRADING AGREEMENT AND
 TEMPORARY CONSTRUCTION EASEMENT = 3,771 SQ. FT.



BURKE ROAD - APLOMADO DRIVE TO PARAKEET DRIVE
 PROJECT NUMBER 2640-081-003

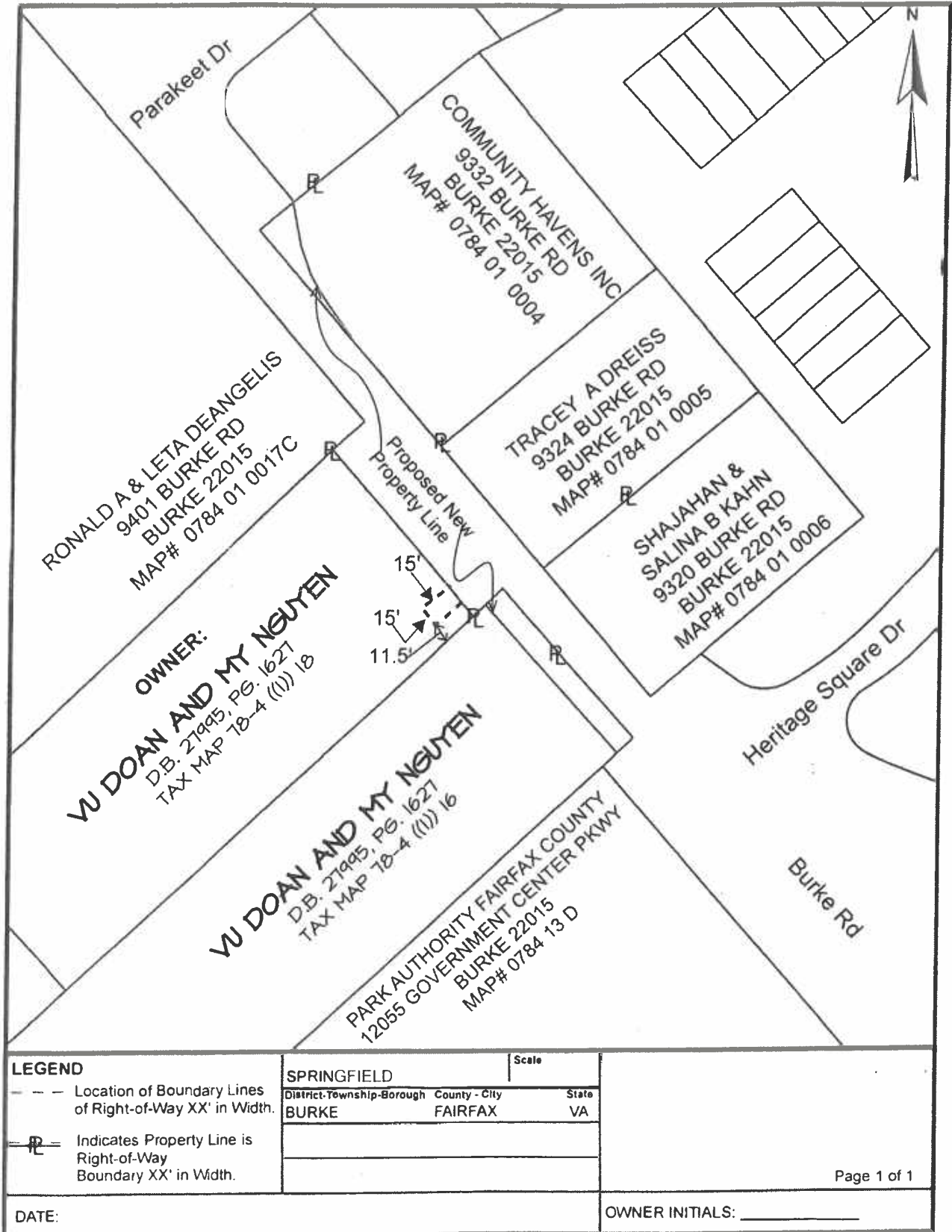
FAIRFAX COUNTY, VIRGINIA DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES CAPITAL FACILITIES, LAND SURVEY BRANCH 12000 GOVERNMENT CENTER PARKWAY FAIRFAX, VIRGINIA		
PLAT SHOWING COUNTY GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH THE PROPERTY OF VU DOAN AND MY NGUYEN D.B. 21945, PG. 1621 SPRINGFIELD DISTRICT FAIRFAX COUNTY, VIRGINIA SHEET 1 OF 1		
SCALE: 1"=25'	DATE: 10/13/23	DRAWN BY: JLG

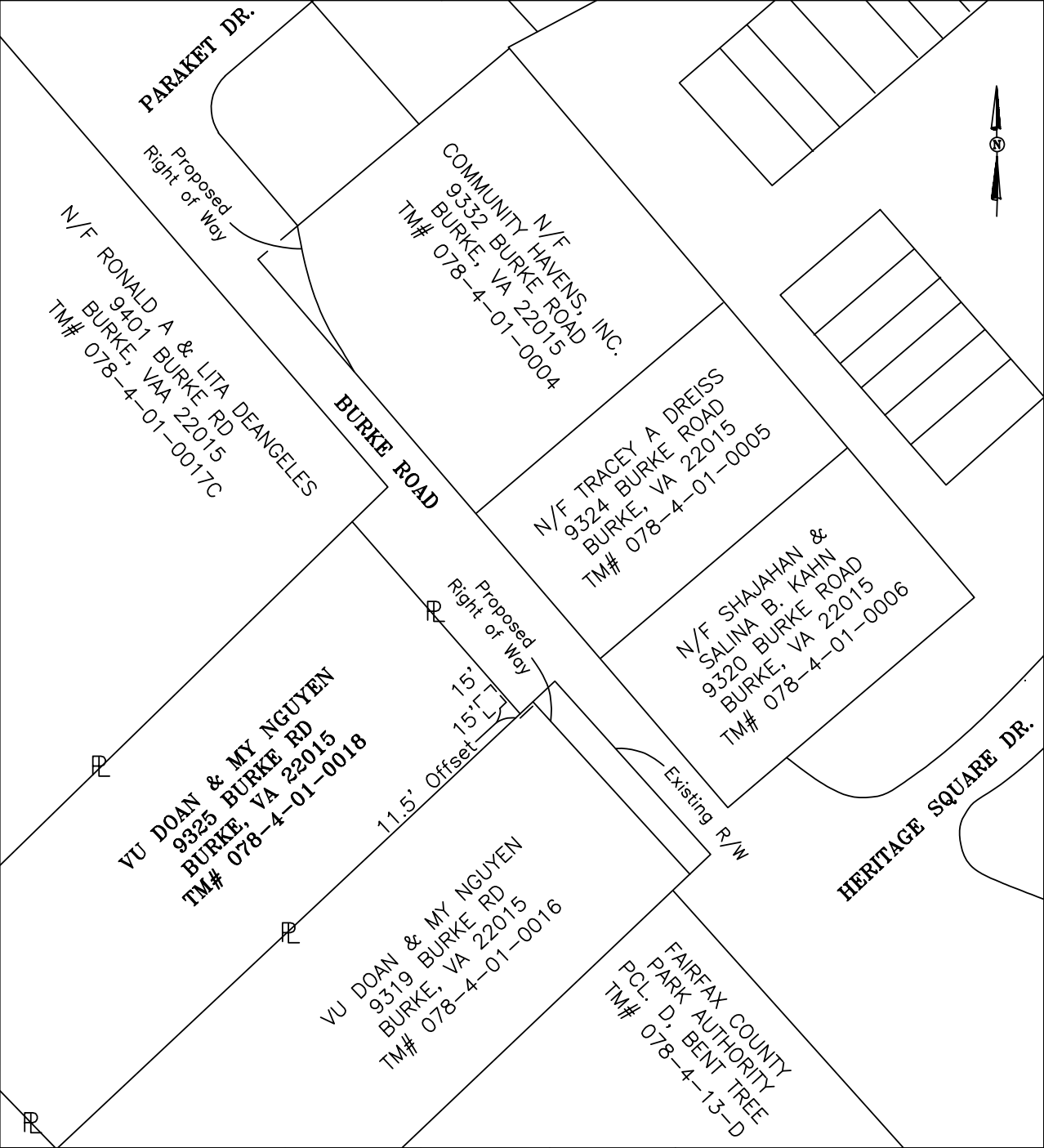
Engineering * Surveying * Land Planning * Transportation * Environmental Services
 9385 Discovery Boulevard, Suite 200, Manassas VA, 20109
 Telephone: (703) 368-7373 Fax: (703) 257-5443

Rinker Design Associates, P.C.



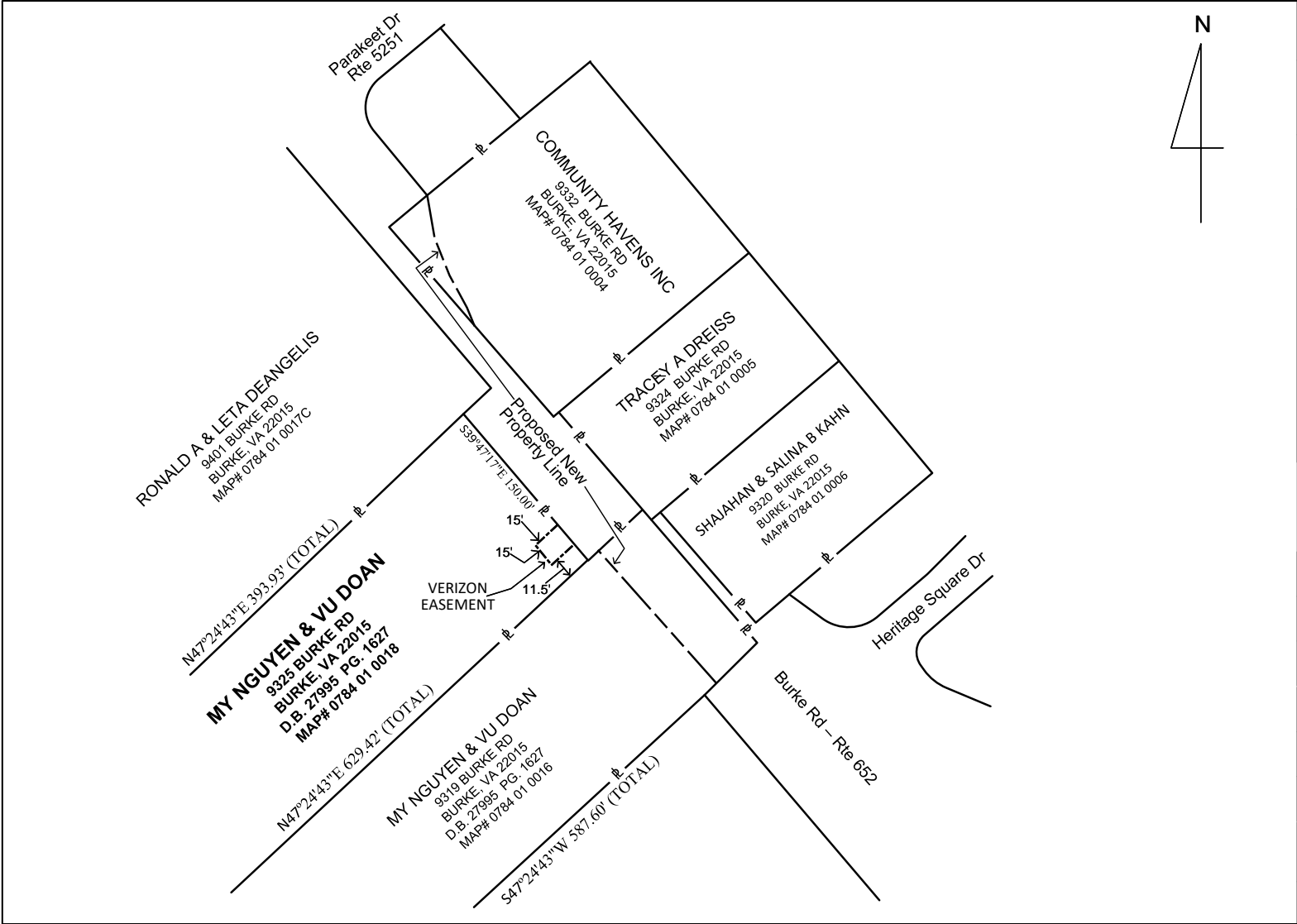
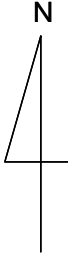
V:\15026\15026-03 Burke Rd Plans\0306\TM 078-4-01-0018.dwg | Plotted on 10/13/2023 3:01 PM | by Patty Campbell





LEGEND --- Location of Boundary Lines of Right-of-Way ==P== Indicates Property Line is Right-of-Way Boundary Boundary	Region	Local Office	State	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT OH
	NORTHWEST	SPRINGFIELD	VIRGINIA	
	County-City		Grid Number	VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia
	FAIRFAX COUNTY		C0513	
	Work Request No.	DEVID No.	Scale	
102783222	40-19-0218	Not to Scale		
Date	By			
OCT. 19, 2023	JAMES W. WEST			
OWNER INITIALS _____				Page 5 of 5

Attachment 3D



VERIZON VIRGINIA LLC RIGHT-OF-WAY EXHIBIT "A"				
DENOTES \perp AND/OR PROW DENOTES LIMITS OF EASEMENT				
EA: ANTONIO ASHBY PHONE NO.: 571-417-0198				
OWNER / GRANTOR: MY NGUYEN & VU DOAN 6425 MILLER DR ALEXANDRIA, VA 22315				
SITE PLAN REFERENCE: 9325 BURKE RD				
CONTACT NAME: TAN NGUYEN				
CONTACT TELEPHONE: 703-877-5734				
CENTRAL OFFICE: Braddock				
CITY / COUNTY: Fairfax County				
TAX MAP # / RPC 0784-01-0018				
MAGISTERIAL DISTRICT: Springfield				
NVSM	SHEET	E-W	N-S	PG. <u>4</u>
	51	B	9	OF <u>4</u>
FILE NO. PAOHBC 2019-0302 Rev 3				

Board Agenda Item
May 21, 2024

4:00 p.m.

Public Hearing to Convey a Deed of Easement for Fiber Optic Lines on Board-Owned Property at 6900 Newington Road (Mount Vernon District)

ISSUE:

Public hearing regarding the grant of a non-exclusive easement to MetroDuct Systems VA LLC (MetroDuct) to install a fiber optic line on Board-owned property located at 6900 Newington Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to finalize the documentation to convey a fiber optic line easement at 6900 Newington Road to MetroDuct.

TIMING

On April 16, 2024, the Board authorized the advertisement of a public hearing to convey a fiber optic line easement to MetroDuct on May 21, 2024, at 4:00p.m.

BACKGROUND:

The Board of Supervisors is the owner of two parcels near the intersection of Newington Road and Cinder Bed Road. One parcel is an approximately two-acre vacant lot identified as Tax Map No. 0994 01 0015 (Parcel 15) and the other parcel is approximately twenty-five (25) acres with an address of 6900 Newington Road and identified as Tax Map No. 0994 01 0017 (Parcel 17). Parcel 17 is currently the site of a motor vehicle repair facility operated by the Department of Vehicle Services (DVS) and includes an autobody shop, tire shop, fueling site, fire apparatus facility (managed by the Fire and Rescue Department), and parking area for school buses.

MetroDuct is a competitive local exchange carrier company providing telecommunications services to both the public and private sectors in the Northern Virginia region. MetroDuct would like to better serve its high bandwidth customers by obtaining a non-exclusive easement from the County for the extension of its fiber optic line. The easement area on Parcel 15 is proposed to be 1,134 square feet and will be located along the south side of Newington Road. The easement area on Parcel 17 will encumber 2,237 square feet along the north side of Newington Road. Metroduct is offering \$15,439 for the total 3,371 square foot easement as consideration for the Board's grant of the easement.

Board Agenda Item
May 21, 2024

Since the fiber optic line will be installed underground via directional boring, the construction will not impact any of the existing infrastructure in the Newington Road right-of-way. DVS also confirmed that the utility lines will not interfere with operations at their vehicle repair facility.

EQUITY IMPACT:

The greater availability of telecommunications services for public use broadly supports the Board's goal of advancing digital equity in the County.

FISCAL IMPACT:

MetroDuct's payment of \$15,439 will be deposited in the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map
Attachment 2 – Easement Plat
Attachment 3 – Draft Easement

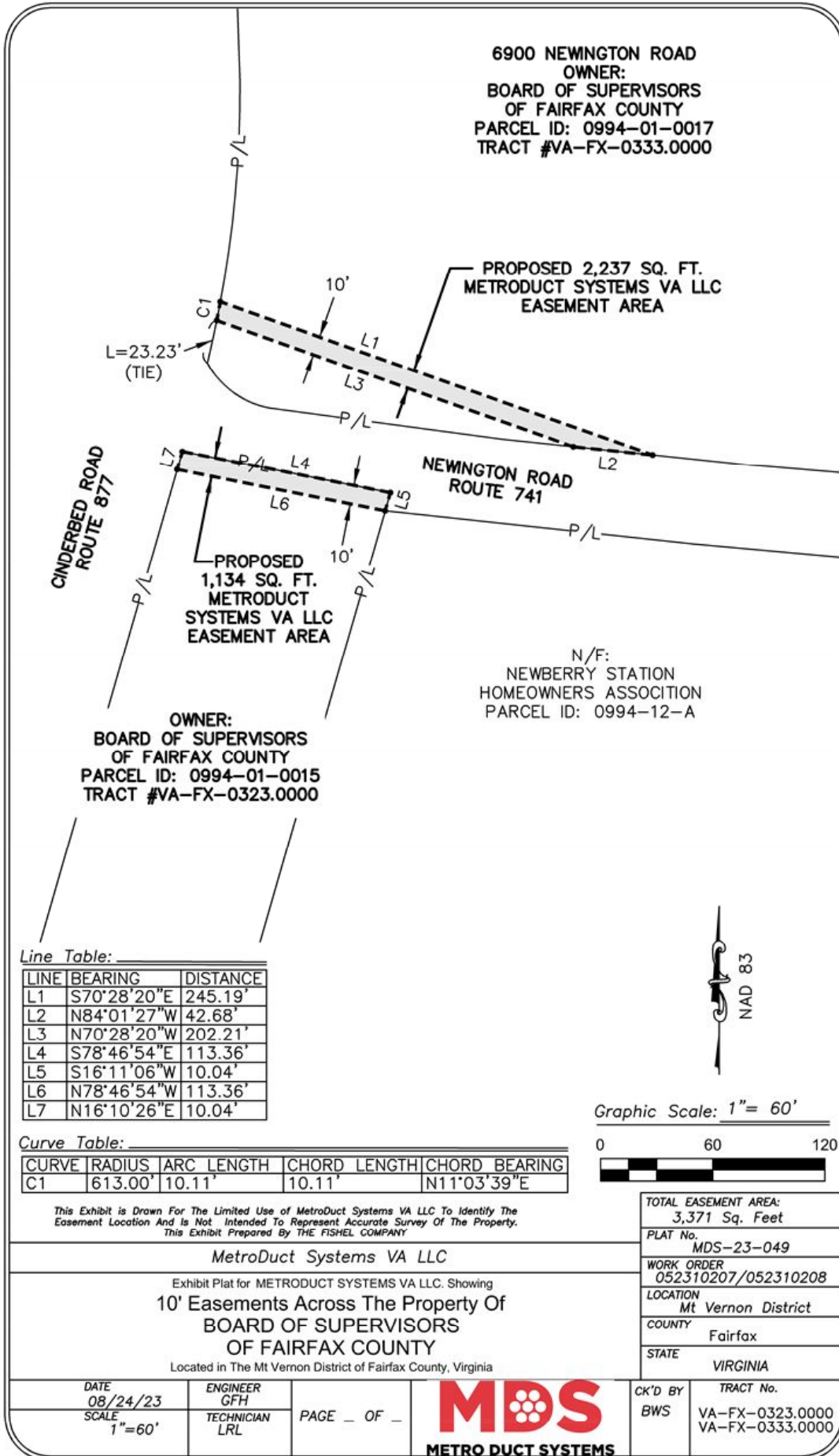
STAFF:

Ellicia L. Seard-McCormick, Deputy County Executive
José A. Comayagua, Director, Facilities Management Department (FMD)
Mike Lambert, Assistant Director, FMD
Natalie Knight, Property Manager, FMD

ASSIGNED COUNSEL:

F. Hayden Codding, Assistant County Attorney





W:\projects\2023\Virginia\052310207\MDS\DC4 54 TO 64 - SPAN 15\Survey\Cad\ESMT PLATS (DWG)\6900 NEWINGTON RD\6900 NEWINGTON - ESMT.dwg, 8/24/2023, 3:24:20 PM

EXHIBIT "A"



OWNER:
BOARD OF SUPERVISORS
OF FAIRFAX COUNTY
PARCEL ID: 0994-01-0015
TRACT #VA-FX-0323.0000

8900 NEWINGTON ROAD
OWNER:
BOARD OF SUPERVISORS
OF FAIRFAX COUNTY
PARCEL ID: 0994-01-0017
TRACT #VA-FX-0333.0000

PROPOSED 2,237 SQ. FT.
METRODUCT SYSTEMS VA LLC
EASEMENT AREA

PROPOSED
1,134 SQ. FT.
METRODUCT
SYSTEMS VA LLC
EASEMENT AREA

N/E:
NEWBERRY STATION
HOMEOWNERS ASSOCIATION
PARCEL ID: 0994-12-A

Line Table:

LINE	BEARING	DISTANCE
L1	S70°28'20"E	245.19'
L2	N84°01'27"W	42.68'
L3	N70°28'20"W	202.21'
L4	S78°46'54"E	113.36'
L5	S16°11'06"W	10.04'
L6	N78°46'54"W	113.36'
L7	N16°10'26"E	10.04'

Curve Table:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	613.00'	10.11'	10.11'	N11°03'39"E

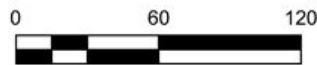
This Exhibit is Drawn For The Limited Use of MetroDuct Systems VA LLC To Identify The Easement Location And Is Not Intended To Represent Accurate Survey Of The Property. This Exhibit Prepared By THE FISHEL COMPANY

MetroDuct Systems VA LLC

Exhibit Plat for METRODUCT SYSTEMS VA LLC. Showing
10' Easements Across The Property Of
BOARD OF SUPERVISORS
OF FAIRFAX COUNTY
 Located in The Mt Vernon District of Fairfax County, Virginia



Graphic Scale: 1" = 60'



TOTAL EASEMENT AREA:	3,371 Sq. Feet
PLAT No.	MDS-23-049
WORK ORDER	052310207/052310208
LOCATION	Mt Vernon District
COUNTY	Fairfax
STATE	VIRGINIA

DATE
08/24/23
SCALE
1"=60'

ENGINEER
GFH
TECHNICIAN
LRL

PAGE _ OF _



CK'D BY
BWS
TRACT No.
VA-FX-0323.0000
VA-FX-0333.0000

W:\projects\2023\Virginia\052310207\MDS\DCIA 64 TO 64 - SPAN 15\Survey\Cad\ESMT PLATS (DWG)\8900 NEWINGTON RD\8900 NEWINGTON - ESMT.dwg, 8/24/2023, 3:25:16 PM

After Recording Return To:
MetroDuct Systems VA LLC.
c/o Team Fishel
8093 Elm Drive
Mechanicsville, VA 23111

MetroDuct Systems
Tract # VA-FX-0323.0000
Tract # VA-FX-0333.0000
Fairfax County, Virginia

**MetroDuct Systems VA LLC
NON-EXCLUSIVE EASEMENT AGREEMENT**

THIS EASEMENT AGREEMENT (this "Agreement") is made this ___ day of _____, 20___, for one dollar (\$1.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the undersigned **BOARD OF SUPERVISORS OF FAIRFAX, COUNTY VIRGINIA**, a body corporate and politic, having an address of 12000 Government Center Parkway, Suite 522, Fairfax, VA 22035 ("**Grantor**") hereby grants and conveys to **METRODUCT SYSTEMS VA LLC**, a Virginia limited liability company having an address of 1366 Dublin Road, Columbus, Ohio 43215 ("**Grantee**"), its affiliates, licensees, successors and assigns (collectively "**Grantees**") a non-exclusive and perpetual right of way and easement in, under, and across the "**Easement Area**" (described as being the same as shown on Exhibit "A" attached hereto and made a part hereof), for the installation, construction, maintenance, operation, repair and replacement of cables, lines and other facilities at any time and from time to time for the communication, transportation or other transfer of data, information, signals, or other material by means of fiber optics, electronic signaling or any other means including all technological developments evolving therefrom ("**Facilities**"). Permitted uses shall include the installation of below-ground vaults and the like and any utilities required for the operation thereof, together with the right to have underground commercial electrical service extended across the Easement Area to provide service to such Facilities and the reasonable right of ingress and egress across the "Property" to the Easement Area for the purpose of access to and use of the easement granted herein including over such drives, lanes, ways or private roads as may now or hereafter exist on the Grantor's "Property". If there are no drives, lanes, ways or private roads reasonably convenient to the Easement Area, Grantor further grants the right of ingress or egress across any of the Grantor's "Property" for the purposes consistent with this Agreement, including but not limited to, intrusive construction and installation of the Facilities.

The "Property" is legally described as being:

- (1) Map # 0994 01 0015.
- (2) 6900 Newington Road, Map # 0994 01 0017

Grantor affirmatively states and represents him/her/itself is the owner in fee simple of the Property.

Being the same Property as recorded in: Fairfax County of, Virginia, as

- (1) Deed Book 12866 and Page 725
- (2) Deed Book 2973 and Page 133.

Grantee hereby reserves the right to use said Easement Area for non-exclusive utility line and easement purposes.

Grantee hereby agrees to restore at its expense all property disturbed by its activities in use of the Easement Area to as near as reasonably possible the condition existing prior to the disturbance.

If the Grantor at some later time proposes property improvements on said land that would necessarily require the relocation of the Facilities of the Grantee, which have been or may be installed under this Agreement, said Grantee will relocate those Facilities at Grantor's sole cost and expense upon receipt of payment from Grantor. Said Grantee shall have the right, when relocating those Facilities, to place and maintain (and remove) them in a suitable location elsewhere on said land as mutually agreed to by Grantor and Grantee (which agreement shall not be unreasonably withheld by either party) and shall have the same rights hereunder in such new location as it originally possessed hereunder in the old location. Grantor acknowledges that prior to making such improvements, including the improvements set forth in the paragraph below, that Grantor shall provide Grantee with reasonable prior written notice before commencement of construction of such improvements so that Grantee may make adjustments to its Facilities.

The Grantor shall have the right to use the surface of the land over said Easement Area for any purpose provided the Grantor does not in any way interfere with the Grantees use of the easement granted herein, and provided further that no building or other structure shall be erected upon, across or over the Easement Area granted herein, and Grantor shall not excavate or fill within said Easement Area.

Any work performed on the Facilities or any relocation required hereunder shall be conducted in a good and workmanlike fashion and in accordance with all applicable laws, rules, regulations and ordinances.

Grantee shall maintain insurance coverage insuring Grantee against claims, demands or actions for personal injuries or death resulting from the use or operation of the Facilities with limits of not less than One Million Dollars

(\$1,000,000) any one occurrence, in an aggregate amount of Two Million Dollars (\$2,000,000) and for damage to property in an amount of not less than Five Hundred Thousand Dollars (\$500,000).

The Grantee shall protect, indemnify, defend and hold the Grantor, its agents, customers, employees and invitees (collectively, the "**Indemnified Parties**") harmless from and against any and all third party claims for loss, damage, liability, injury to person or property, including reasonable cost and expense incurred by the Indemnified Parties on account of any claim or assertion of liability arising or alleged to have arisen out of the negligence or willful misconduct of the Grantee.

Any notice to be given in connection with this Agreement shall be in writing and shall be sent either by hand delivery (which shall include, without limitation, overnight delivery by a nationally recognized overnight courier service such as Federal Express or United Parcel Service) or by depositing it with the United States Postal Service or any official successor thereto, certified or registered mail, return receipt requested, with adequate postage prepaid, addressed to the party to whom the notice is being sent (and marked to a particular individual's attention if so indicated) as hereafter provided. Rejection or other refusal by the addressee to accept or the inability of any party attempting hand delivery or, in the case of attempted delivery by mail, the United States Postal Service to deliver because of changed address of which no prior written notice was given shall be deemed to be the receipt of the notice sent on the day hand delivery was attempted or, in the case of attempted delivery by mail, on the date which is three (3) days after the notice was deposited with the United States Postal Service or any official successor thereto. In the event that registered or certified mail service is not being provided by the United States Postal Service or any official successor thereto at the time in question, each notice may then be served by regular mail. Any party hereto shall have the right from time to time to change the address or individual's attention to which notices to it shall be sent by giving the other party written notice thereof. For notice purposes the addresses of the parties shall be as follows:

If to Grantor:

Board of Supervisors of Fairfax County, Virginia
12000 Government Center Parkway
Suite 552
Fairfax, VA 22035-0002

If to Grantee:

MetroDuct Systems VA LLC
c/o Team Fishel
8093 Elm Drive
Mechanicsville, VA 23111
Attn: Legal Department

The foregoing addresses (or subsequent addresses of which notice is recorded as provided in this sentence) shall continue to be effective for notice purposes under this Agreement notwithstanding a sale of all or portions of the Property, unless the party acquiring the rights of this Agreement by sale of the Grantor Property files a notice in the County of Fairfax, Commonwealth of Virginia land records cross referenced to this Agreement which specifies the address (and up to two additional addresses) to which such notices under this Agreement to such party are to be sent.

It is understood and agreed that this is an easement only and in no way grants or conveys any part of the underlying fee simple estate of any lands owned by Grantor. This agreement and all of the terms, provisions and obligations hereof shall be covenants running with the land affected thereby and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

Grantee's acceptance of this agreement and the recordation hereof in the Land Records of Fairfax County, Virginia shall be deemed to constitute and evidence Grantee's agreement to all of the terms and provisions hereof.

This Easement and all rights, duties, and obligations hereunder, are binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

None of the terms or provisions of this Easement will be deemed to create a partnership between or among the parties, nor will it cause them to be considered joint venturers or members of any joint enterprise. This Agreement is not intended nor will it be construed to create any third-party beneficiary.

This Easement may only be amended by written instrument executed by the then current owners of the Grantor Property and Grantee.

Nothing contained herein will be deemed to be a gift or dedication of any portion of the Easement Area to the general public, for the general public, or for any public use or purpose whatsoever.

(Signature page to follow)

Signed and acknowledged in the Presence of:

GRANTOR: BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

Approved as to form:

Assistant County Attorney

By: _____
Name: Ellicia L. Seard-McCormick
Title: Deputy County Executive of Administration

STATE OF _____ SS:
COUNTY/CITY OF _____

The forgoing instrument was acknowledged before me this ____ day of _____, 2024,
by Ellicia L. Seard-McCormick, who is the Deputy County Executive of Administration of the
Board of Supervisors of Fairfax County, Virginia, a body corporate and politic.

Notary Public (Printed Name)

Notary Public (Signature)

My commission expires: _____

Notary Registration Number: _____

This document was drafted by:
Joseph G. Blake II, Esq.
General Counsel
MetroDuct Systems VA LLC
1366 Dublin Road
Columbus, Ohio 43215

Board Agenda Item
May 21, 2024

4:00 p.m.

Public Hearing on a Proposal to Abandon Portions of Cannonball Road (Braddock District)

ISSUE:

Public hearing on a proposal to abandon portions of Cannonball Road north of the intersection of Cannonball Road (Route 3150) and Singing Pines Road (Route 4873).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order of abandonment (Attachment III) of the subject right-of-way.

TIMING:

On April 16, 2024, the Board authorized advertisement of the public hearing for the abandonment of the proposed right-of-way, to be held on May 21, 2024, at 4:00 p.m.

BACKGROUND:

The applicant, Walsh, Colucci, Lubeley & Walsh, P.C., on behalf of their client, D.R. Horton, Inc., a Delaware Corporation, is requesting that Cannonball Road be abandoned under §33.2-909 of the Virginia Code. The applicant is seeking this request following the extension of the existing Cannonball Road to support their subdivision. As part of the extension, Cannonball Road was extended beyond the existing cul-de-sac. Therefore, the “ears” of the cul-de-sac are no longer needed for transportation use in the secondary system and the public would be best served by abandoning these portions of the road. The portion of the road to be abandoned has no historic value.

The subject portions of Cannonball Road, north of Singing Pines Road (Route 4873) and south of Lee Highway (Route 29), are constructed. The subject portions of Cannonball Road were taken for public street purposes through condemnation proceedings as part of the Fairfax County Parkway project in 1993 (Deed Book 8766-Page 1836, Deed Book 8766-Page 1839 and Deed Book 8766-Page 1830) and then subsequently dedicated and quitclaimed (Deed Book 9341-Page 1220, Deed Book 9621-Page 1624, Deed Book 9341-Page 1228, and Deed Book 9341-Page 1231). The subject portions of Cannonball Road are in the Virginia Department of Transportation (VDOT) Secondary System of Highways.

Board Agenda Item
May 21, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Letter of Request and Justification
Attachment II: Notice of Public Hearing
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds
Attachment VI: Vicinity Map
Attachment VII: Informational Plat

STAFF:

Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Chief, Site Analysis & Transportation Planning Division, FCDOT
Gregory Fuller, Jr., Chief, Site Analysis Section (SAS), FCDOT
Brittany Nixon, Transportation Planner IV, SAS, FCDOT
Jeffrey Edmondson, Transportation Planner III, SAS, FCDOT

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney



WALSH COLUCCI
LUBELEY & WALSH PC

H. Mark Goetzman
Phone: 703.528.4700 x5452
Fax: 703.528.6050
mgoetzman@thelandlawyers.com

August 29, 2023

BY COURIER AND ELECTRONIC MAIL

Gavin Derleth, Michelle Guthrie and Jeffrey Edmondson
Fairfax County Department of Transportation
4050 Legato Rd, Ste 400
Fairfax, VA 22033-2895

Re: Request for Proposed Abandonment of Portions of Cannonball Road
(Route 3150), Braddock District, Fairfax County, Virginia

Dear Gavin, Michelle and Jeffrey:

This letter constitutes a petition and statement of justification to abandon certain portions of Cannonball Road, Route 3150, Fairfax County, Virginia. The portions of Cannonball Road to be abandoned are located in the Braddock District (collectively referred to as the "**Abandonment Areas**"). This request is made on behalf of D.R. Horton, Inc., a Delaware corporation ("**Applicant**").

The Applicant is currently developing the Cannonball Subdivision. Developing the Cannonball Subdivision requires extending a portion of Cannonball Road. The portion of Cannonball Road to be extended currently has a cul-de-sac, but extending the road will eliminate the need for a cul-de-sac at its current location. As a result, the sides of the current cul-de-sac will no longer be needed for transportation use. As a result of this road-extension, the Virginia Department of Transportation ("**VDOT**") has requested that the Applicant cause the portions of Cannonball Road (i.e., the Abandonment Areas) that will no longer be used for transportation, as more particularly shown on the attached Exhibit A, to be abandoned.

To offer some background, the Abandonment Areas were taken for public street purposes through condemnation proceedings in furtherance of "Project 064145 – Fairfax County Parkway (I-66 to Braddock Road)". Specifically, what was known as Lot 1, Section 1 ("**Original Lot 1**") of the Buckner Forest subdivision was taken by the Board of Supervisors of Fairfax County ("**Board**") pursuant to that Certificate recorded in Deed Book 8766 at page 1836 among the land records of Fairfax County ("**Land Records**"). An Order Confirming Title and Directing Disbursement was subsequently recorded in Deed Book 8995 at page 1307 among the Land Records. The Board then dedicated certain portions of Original Lot 1 for public street purposes pursuant to that Deed of Dedication and Conveyance recorded in Deed Book 9341 at page 1220 among the Land Records, and that Deed of Dedication and Conveyance recorded in Deed Book 9621 at page 1624 among the Land Records. The Board then conveyed the residue of the Original Lot 1 to a third party by Quitclaim Deed recorded in Deed Book 10023 at page 122

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

among the Land Records. What was known as Lot 22, Section 1 ("**Original Lot 22**") of the Buckner Forest subdivision was taken by the Board pursuant to that Certificate recorded in Deed Book 8766 at page 1839 among the Land Records. An Order Confirming Title and Directing Disbursement was subsequently recorded in Deed Book 8933 at page 1320 among the Land Records. A portion of Original Lot 22 was then dedicated for public street purposes pursuant to that Deed of Dedication and Conveyance recorded in Deed Book 9341 at page 1228 among the Land Records. What was known as Lot 23, Section 1 ("**Original Lot 23**") of the Buckner Forest subdivision was taken by the Board pursuant to that Certificate recorded in Deed Book 8766 at page 1830 among the Land Records. An Order Confirming Title and Directing Disbursement was subsequently recorded in Deed Book 9098 at page 955 among the Land Records. A portion of Lot 23 was then dedicated for public street purposes pursuant to that Deed of Dedication and Conveyance recorded in Deed Book 9341 at page 1231 among the Land Records.

The Abandonment Areas are shown on the plat entitled "Plat Showing Abandonment of Portions of Cannonball Road Route 3150", prepared by Pennoni Associates Inc. The total of the areas to be abandoned is 2,341 square feet.

The abandonment of the Abandonment Areas is requested pursuant to Virginia Code Section 33.2-909.

I request your review of this application as soon as possible. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
WALSH, COLUCCI, LUBELEY & WALSH, P.C.



H. Mark Goetzman

cc: Emily Stubblefield
Brendan Cox
Priya Tiwari

NOTICE OF INTENT TO
ADOPT AN ORDER ABANDONING
PORTIONS OF A ROAD

(Cannonball Road – State Route 3150)

Braddock District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 21st, 2024, at 4:00pm during its regular meeting in the Board Auditorium of the Fairfax County Government Center Parkway, Fairfax, Virginia pursuant to Virginia Code Ann. § 33.2-909, abandoning a 456 and a 1,885 square foot portions of Cannonball Road (Route 3150), which was dedicated for public street purposes through a series of condemnation proceedings in furtherance of “Project 064145 – Fairfax County Parkway (I-66 to Braddock Road)”. The road is located adjacent to Tax Map Parcel Numbers: 056-3-08-0001A; 056-3-08-0022A; 056-3-08-0023A; and 056-3-17-007 and is described and shown on the metes and bounds description prepared by Smith Engineering, and on the plat prepared by Pennoni Associates Inc., both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

Public hearings are available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online at the web address shown below or by calling the Department of Clerk Services at 703-324-1315, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified.

In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035 or by email at clerktotheBOS@fairfaxcounty.gov. More information on the ways to testify can be found at www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony.

Questions regarding this proposal may be directed to the Fairfax County Department of Transportation at 703-877-5600.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Open captioning will be provided in the Board Auditorium. For sign language interpreters or other accommodation, please call the Clerk's Office, 703-324-3151, TTY: 711, as soon as possible, but no later than 48 hours before the public hearing. Assistive listening devices are available at the meeting.

BRADDOCK DISTRICT

ORDER OF ABANDONMENT OF
PORTIONS OF CANNONBALL ROAD

Braddock District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 21st day of May, 2024, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code § 33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for the continuance of these portions of the road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

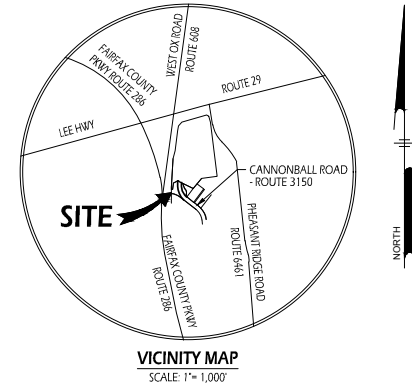
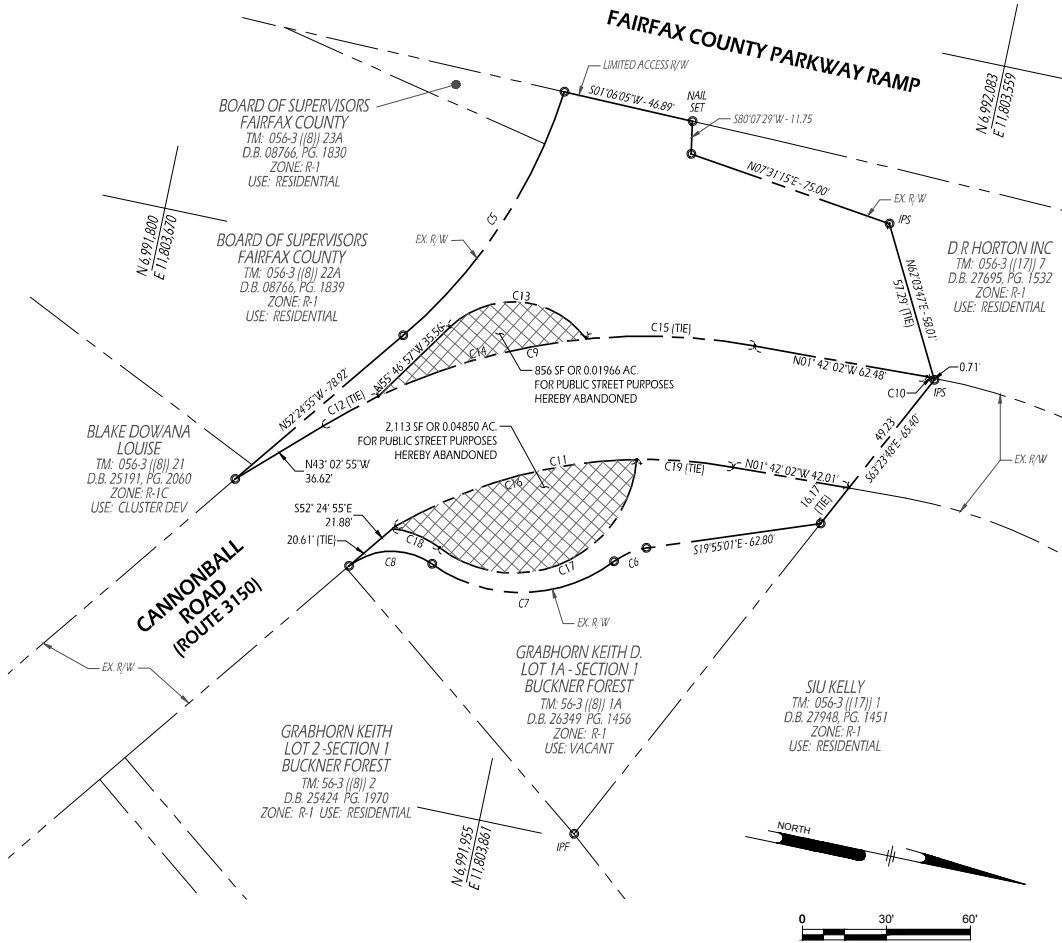
WHEREFORE, BE IT ORDERED:

That the portions of the existing Cannonball Road (Route 3150), comprising a total of 2,341 square feet, located adjacent to Tax Map Parcel Numbers: 056-3-08-0001A; 056-3-08-0022A; 056-3-08-023A; and 056-3-17-007, described and shown on the metes and bounds schedule prepared by Smith Engineering, and on the plat prepared by Pennoni Associates Inc., each attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code § 33.2-909.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

Jill G. Cooper
Clerk for the Board



- NOTES:**
1. NO TITLE REPORT FURNISHED.
 2. BOUNDARY AND NORTH MERIDIAN AS SHOWN HEREON IS VIRGINIA STATE GRID NAD 83. NORTH ZONE AND IS BASED ON A FIELD RUN SURVEY COMPLETED BY JEFF WARNER AND SURVEYING, INC., DATED SEPTEMBER 18, 2020, WHICH TIES THIS BOUNDARY TO THE FAIRFAX COUNTY GEOGRAPHIC INFORMATION SYSTEM MONUMENT GPS 158. THE COMBINED GRID AND ELEVATION FACTOR IS 0.099994380.
 3. ALL UNDERLYING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.

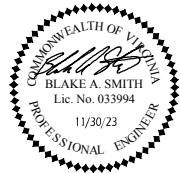
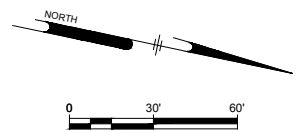


EXHIBIT PLAT SHOWING THE ABANDONMENT OF PORTIONS OF CANNONBALL ROAD ROUTE 3150
 BRADDOCK DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 DATE: NOVEMBER 29, 2023



PENNONI ASSOCIATES INC.
 14901 Bogle Drive, Suite 202
 Chantilly, VA 20151
 T 703.956.6204

PROPOSED & ABANDONED RIGHT-OF-WAY						
NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE
C9	041°20'52"	222.00	160.21'	83.77'	S22° 22' 29"E	156.75'
C10	000°39'06"	224.00	2.55'	1.27'	S01° 22' 29"E	2.55'
C11	040°10'50"	178.00	124.83'	65.10'	S21° 47' 27"E	122.29'
C12	005°46'34"	222.00	22.38'	11.20'	S40° 09' 38"E	22.37'
C14	019°59'35"	222.00	77.47'	39.13'	S27° 16' 34"E	77.07'
C15	015°34'44"	222.00	60.36'	30.37'	S09° 29' 24"E	60.18'
C16	029°02'56"	178.00	90.25'	46.11'	S27° 21' 24"E	89.28'
C17	123°20'30"	43.77	94.23'	81.20'	N35° 58' 21"W	77.06'
C18	030°41'35"	34.00	18.21'	9.33'	S10° 21' 07"W	18.00'
C19	011°07'54"	178.00	34.58'	17.35'	S07° 15' 59"E	34.53'

EXISTING BOUNDARY						
NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE
C5	031°52'01"	190.00	105.67'	54.24'	N68° 20' 55"W	104.32'
C6	028°56'45"	25.00	12.63'	6.45'	S34° 23' 24"E	12.50'
C7	072°22'49"	55.00	69.48'	40.24'	S12° 40' 22"E	64.95'
C8	074°03'38"	24.66	31.88'	18.61'	S13° 16' 09"E	29.71'

P:207-01 Cannonball Road (Plan) SP - ROAD (E) (Plan) 287.0 L - Abandonment (Plan) DWG 11/30/23, 15:24

Metes and Bounds Description
Cannonball Road
Route 3150
Braddock District
Fairfax County, Virginia

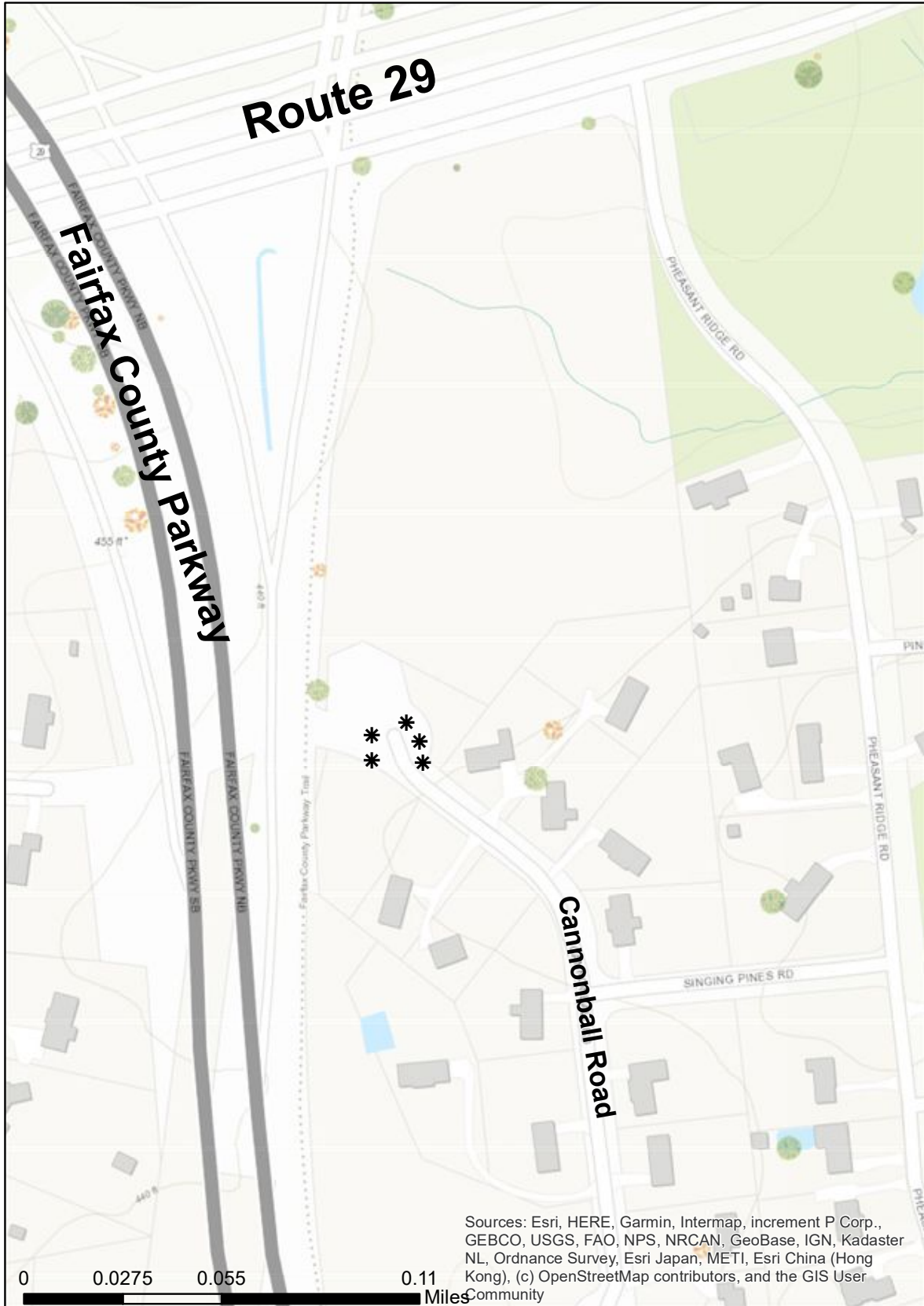
The dedicated land for public street purposes to be abandoned is in the Right-of-Way of Cannonball Road (Route 3150) in the existing cul-de-sac serving Deed Book 08766, Page 1839, Deed Book 27695, Page 1532, and Deed Book 26349, Page 1456. There are two areas to be abandoned.

Beginning at an Iron Pipe Set, said pipe being a corner to the lands now or formerly owned by D.R. Horton Inc., Deed Book 27695, Page 1532, and the existing Cannonball Road Right-of-Way; thence departing said right-of-way line of Cannonball Road, traversing S 62° 03' 47" W, 58.01 feet to another Iron Pipe Set on the property line of D.R. Horton Inc.; thence departing said D.R. Horton Inc. property line S 31° 15' 27" E, 121.07 feet to tie into the first area, allocated for public street purposes, to be abandoned; thence 47.57 feet along a curve with chord bearing S 23° 46' 27" E, chord distance 47.48 feet, delta 11° 50' 58", radius 230.00 feet, and tangent 23.87 feet, thus starting the first area to be abandoned; thence returning to the previous location by travelling 58.64 feet along a curve with chord bearing N 23° 46' 27" W, chord distance 47.48 feet, delta 126° 13' 20", radius 26.62 feet, and tangent 52.49 feet, thus closing the first area to be abandoned containing 456 square feet (0.01046 acres) of land, more or less; thence departing from the first area to be abandoned, traversing N 51° 04' 04" E, 48.70 feet to tie into the second area, allocated for public street purposes, to be abandoned; thence 41.27 feet along a curve with chord bearing S 27° 31' 18" E, chord distance 79.93 feet, delta 28° 55' 39", radius 160.00 feet, and tangent 41.27 feet, thus starting the second area to be abandoned; thence returning to the previous location by travelling 103.59 feet along a curve with chord bearing N 27° 31' 18" W, chord distance 79.93 feet, delta 139° 11' 35", radius 42.64 feet, and tangent 114.63 feet, thus closing the second area to be abandoned containing 1,885 square feet (0.04328 acres) of land, more or less.

Combining the two areas, the total area to be abandoned in the Right-of-Way of Cannonball Road (Route 3150) is 2,341 square feet (0.05305 acres) of land, more or less.

Abandonment of a Portion of Cannonball Road

Braddock District



Tax Map 56-3

* Denotes Areas to be Abandoned

Board Agenda Item
May 21, 2024

4:00 p.m.

Public Hearing on a Proposal to Vacate James Place (Mount Vernon District)

ISSUE:

Public hearing on a proposal to vacate James Place southwest of the intersection of Gunston Drive (Route 3138) and Belmont Boulevard (Route 601).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached ordinance (Attachment 3) for vacation of the subject right-of-way.

TIMING:

On April 16, 2024, the Board authorized the advertisement of the public hearing for the vacation of the proposed right-of-way on May 21, 2024, at 4:00p.m. Board action is requested on May 21, 2024, to follow the previously approved authorization to advertise.

BACKGROUND:

The applicant, RichHearts Development Group LLC, on behalf of their client, is requesting that James Place be vacated under §15.2-2272(2) of the Virginia Code. The applicant is seeking this request to support the consolidation and the development of their client's parcels (Tax Map Nos. 113-4 ((4))- 0041, 0042, 0043, 0044, 0045, 0046, 0047, 0048, 0049, 0050, and 0051). The applicant plans on the consolidation of their 11 lots along with the proposed vacation area of James Place to create 4 new residential lots. The 4 new residential lots would each have separate access to existing public roads (see Attachment VII).

The subject portion of James Place, southwest of the intersection of Gunston Drive and Belmont Boulevard, is unconstructed. The subject portion of James Place was dedicated as part of the "Gunston Heights Subdivision" (Deed Book 861, Page 332) on the plat dated August 28, 1950. The subject portion of James Place is on the periphery of the 1950 subdivision plat and is not in the VDOT Secondary System of Highways. No other owners of lots shown on the 1950 plat will be damaged by the proposed vacation.

Board Agenda Item
May 21, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Letter of Request and Justification
Attachment II: Notice of Public Hearing
Attachment III: Vacation Ordinance
Attachment IV: Metes and Bounds
Attachment V: Vacation Plat
Attachment VI: Vicinity Map
Attachment VII: Informational Plat

STAFF:

Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation
(FCDOT)
Jeff Hermann, Division Chief, Site Analysis & Transportation Planning Division, FCDOT
Gregory Fuller, Jr., Section Chief, Site Analysis Section (SAS), FCDOT
Brittany Nixon, Transportation Planner IV, SAS, FCDOT
Jeffrey Edmondson, Transportation Planner III, SAS, FCDOT-

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney



May 13,2022

Fairfax County Department of Transportation
4050 Legato Road
Suite 400
Fairfax, Virginia 22033

Attn: Jeffrey Edmondson

Re : The Vacation of James Place Plat

Request for Vacation of James Place Right-of-Way ("paper street")

10515 Madison Drive
Lot 41, Section 1, Gunston Heights
TM: 113-4 ((4)) 41

10521 Madison Drive
Lot 42, Section 1, Gunston Heights
TM: 113-4 ((4)) 42

10527 Madison Drive
Lot 43, Section 1, Gunston Heights
TM: 113-4 ((4)) 43

7708 James Place
Lot 49, Section 1, Gunston Heights
TM: 113-4 ((4)) 49

7712 James Place
Lot 48, Section 1, Gunston Heights

TM: 113-4 ((4)) 48

7715 Gunston Drive
Lot 51, Section 1, Gunston Heights
TM: 113-4 ((4)) 51

7715 James Place
Lot 50, Section 1, Gunston Heights
TM: 113-4 ((4)) 50

7716 James Place
Lot 47, Section 1, Gunston Heights
TM: 113-4 ((4)) 47

7717 James Place
Lot 44, Section 1, Gunston Heights
TM: 113-4 ((4)) 44

7720 James Place
Lot 46, Section 1, Gunston Heights
TM: 113-4 ((4)) 46

7721 James Place
Lot 45, Section 1, Gunston Heights
TM: 113-4 ((4)) 45

Dear Jeffrey,

On behalf of my client, I would like to submit this request for vacation of James Place Right-of-Way ("paper street") as shown on the enclosed vacation and future consolidation plan.

The site is 6.93 acres, zoned Residential Estate R-E and is located in the Fairfax County Gunston Heights Subdivision, within the Mt. Vernon District. The site consists of undeveloped vacant lots that are surrounded by Residential Estate R-E zoned parcels on all sides. There is no Gunston Heights HOA.

The Vacation of James Place Plat proposes the vacation of James Place and future consolidations of the above identified lots to create the following:

- Lot 44-A (Lots 42, 43 & 44)
- Lot 45-A (Lots 41 & 45)
- Lot 50-A (Lots 48, 49 & 50)
- Lot 51-A (Lots 46, 47 & 51)

Each of the newly created lots would have access to a paved VDOT maintained road. The project team believes this should assist in reducing density and create lots in closer alignment with the current zoning.

Also, important to note, the current James Place Right of Way cul-de-sac design/configuration presents a line-of-sight issue as it intersects with Belmont Boulevard and Gunston Drive. VDOT has participated in early planning meetings and has determined that the current James Place Right of Way wouldn't meet the multiple connections in multiple directions guidelines.

Given the above, we respectfully request the vacation of James Place as outlined above.

If you have any questions, concerns or require any additional information to aid in your review of this request, please feel free to contact me.

I appreciate your time and help on these matters.

Sincerely,



Curtis Williams
RichHearts Development Group
Real Estate Development Consultant

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(James Place)

Mount Vernon District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 21, 2024, pursuant to Virginia Code Ann. § 15.2-2204 and §15.2-2272, to consider vacating James Place, a currently platted street located on the southwest side of Gunston Drive between Belmont Road and Madison Drive, in Section One of the platted Gunston Heights subdivision, recorded in Deed Book 861, at Page 332, said platted street being approximately 571 feet in length. The street to be vacated is shown on Tax Map 113-4 and is described on the metes and bounds schedule and the vacation plat prepared by Dominion Surveyors Inc., dated December 6, 2022, both of which are on file for review in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia, 22033, Telephone Number (703) 877-5600.

Public hearings are available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online at the web address shown below or by calling the Department of Clerk Services at 703-324-1315, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified.

In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035 or by email at clerktotheBOS@fairfaxcounty.gov. More information on the ways to testify can be found at www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony.

Questions regarding this proposal may be directed to the Fairfax County Department of Transportation at 703-877-5600.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Open captioning will be provided in the Board Auditorium. For sign language interpreters or other accommodation, please call the Clerk's Office, 703-324-3151, TTY: 711, as soon as possible, but no later than 48 hours before the public hearing. Assistive listening devices are available at the meeting.

MOUNT VERNON DISTRICT

ADOPTION OF AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(James Place)

Mount Vernon District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on May 21, 2024, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, pursuant to Virginia Code §15.2-2272, does hereby vacate James Place as formerly platted along Gunston Drive in Section One of the Gunston Heights subdivision, recorded in Deed Book 861, at Page 332, said platted street being approximately 571 feet in length. The road vacated is currently shown on Tax Map 113-4 and is described on the metes and bounds schedule attached hereto as well as shown on the vacation plat prepared by Dominion Surveyors Inc., dated December 6, 2022.

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



8808-H Pear Tree Village Ct.
Alexandria, VA 22309
703.619.6555
www.dominionsurveyors.com

December 6, 2022

**DESCRIPTION
OF
PARCEL "A"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the southerly line of Gunston Drive (Route 3138), a corner common to Lot 49, Gunston Heights, Section One; thence with the southerly line of Gunston Drive (Route 3138) S 41° 58' 50" E 110.11' to a point in a northerly line of EDH Associates, LLC (Now or Formerly); thence with the northerly line of EDH Associates, LLC (Now of Formerly) N 89° 55' 20" W 243.32' to a point a corner common to Parcel "B"; thence through vacated James Place with the easterly line of Parcel "B" N 00° 04' 40" W 40.00' to a point in the southerly line of Lot 49, a corner common to Lot 48, Lot 49 and Parcel "B"; thence with the southerly line of Lot 49 S 89° 55' 20" E 151.00 to a point; thence with a curve to the left (Radius = 25.00, Delta = 132° 03' 31", Tangent = 56.23', Chord = 45.69', Chord Bearing = N 24° 02' 54" E) on arc distance of 57.62' to the point of beginning containing 9,696 square feet of land.



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December 6, 2022

**DESCRIPTION
 OF
 PARCEL "B"
 JAMES PLACE VACATION
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Beginning at a point, a corner common to Lot 48 and Lot 49, Gunston Heights, Section One, and Parcel "A"; thence through vacated James Place with the westerly line of Parcel "A" S 00° 04' 40" W 40.00' to a point in a northerly line of EDH Associates, LLC (Now or Formerly) and a corner common to Parcel "A"; thence with a northerly line of EDH Associates, LLC (Now of Formerly) N 89° 55' 20" W 78.15' to a point, a corner common to Lot 50 and Parcel "C"; thence through vacated James Place with the easterly and northerly lines of Parcel "C" N 00° 04' 40" E 20.16' to a point; thence with a curve to the right (Radius = 218.00; Delta = 31° 30' 29", Tangent = 61.50', Chord = 118.38', Chord Bearing = N 61° 40' 35" W) an arc distance of 119.88' to a point; thence N 45° 55' 20" W 41.09' to a point, a corner common to Parcel "G"; thence with the easterly line of Parcel "G" N 54° 45' 10" E 25.44' to a point in the southerly line of Lot 48, a corner common to Lot 47 and Parcel "G"; thence with the southerly line of Lot 48 S 45° 55' 20" E 36.38' to a point; thence with a curve to the left (Radius = 193.00', Delta = 44° 00' 00", Tangent = 77.98', Chord = 144.60', Chord Bearing = S 67° 55' 20" E) an arc distance of 148.21' to a point; thence S 89° 55' 20" E 31.00' to the point of beginning containing 6,942 square feet of land.



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December 6, 2022

**DESCRIPTION
 OF
 PARCEL "C"
 JAMES PLACE VACATION
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the northerly line of Lot 50, Gunston Heights, Section One, corner common to Parcel "B"; thence with the northerly line of Lot 50 N 89° 55' 20" W 21.84' to a point; thence with a curve to the right (Radius = 243.00', Delta = 27° 30' 20", Tangent = 59.47', Chord = 115.54', Chord Bearing N 59° 40' 30" W) an arc distance of 116.66' to a point; thence N 45° 55' 20" W 38.29' to a point; thence with a curve to the left (Radius = 25.00', Delta = 70° 31' 44", Tangent = 17.68', Chord = 28.87', Chord Bearing = N 81° 11' 12" W) an arc distance of 30.78' to a point; thence with a curve to the right (Radius = 50.00', Delta = 47° 18' 24", Tangent = 21.85', Chord = 40.05', Chord Bearing = S 87° 09' 25" W) an arc distance of 41.28' to a point, a corner common to Lot 44 and Parcel "D"; thence through vacated James Place with the easterly line of Parcel "D" N 20° 45' 53" E 50.00' to a point, a corner common to Parcels "E", "F" and "G"; thence with the easterly and southerly lines of Parcel "G" and the southerly and westerly lines of Parcel "B" N 44° 04' 40" E 25.00' to a point; thence S 45° 55' 20" E 109.00' to a point; thence with curve to the left (Radius = 218.00', Delta = 31° 30' 29", Tangent = 61.50', Chord = 118.38', Chord Bearing = S 61° 40' 35" E) an arc distance 119.88' to a point; thence S 00° 04' 40" W 20.16' to the point of beginning containing 7,430 square feet of land.



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December 6, 2022

**DESCRIPTION
OF
PARCEL "D"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the northerly line of Lot 44, Gunston Heights, Section One, a corner common to Lot 50 and Parcel "C"; thence with the northerly line of Lot 44 with a curve to the right (Radius = 50.00', Delta = 60° 00' 00", Tangent = 28.87', Chord = 50.00', Chord Bearing = N 39° 14' 07" W) an arc distance of 52.36' to a point, a corner common to Lot 45 and Parcel "E; thence through vacated James Place with the southerly line of Parcel "E" N 80° 45' 53" E 50.00' to a point, a corner common to Parcels "C", "E", "F" and "G"; thence with a westerly line of Parcel "C" S 20° 45' 53" W 50.00' to the point of beginning containing 1,309 square feet of land.



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December 6, 2022

**DESCRIPTION
OF
PARCEL "E"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the easterly line of Lot 45, Gunston Heights, Section Once, a corner common to Lot 44 and Parcel "D"; thence with the easterly line of Lot 45 with a curve to right (Radius = 50.00', Delta = 60° 00'00", Tangent = 28.87; Chord = 50.00', Chord Bearing N 20° 45' 53" E) and arc distance of 52.36' to a point, a corner common to Lot 46 and Parcel "F"; thence through vacated James Place with a southerly line of Parcel "F" S 39° 14' 08" E 50.00' to a point, a corner common to Parcels "C", "D", "F" and "G"; thence with a northerly line of Parcel "D" S 80° 45' 53" W 50.00' to the point of beginning containing 1,309 square feet of land.



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December 6, 2022

**DESCRIPTION
OF
PARCEL "F"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the southerly line of Lot 46, Gunston Heights, Section One, a corner common to Lot 45 and Parcel "E"; thence with the southerly line of Lot 46 with a curve to the right (Radius = 50.00', Delta = 60° 00' 00", Tangent = 28.87', Chord = 50.00', Chord Bearing = N 80° 45' 53" E) an arc distance of 52.36' to a point, a corner common to Lot 47 and Parcel "G"; thence through vacated James Place with a westerly line of Parcel "G" S 20° 45' 53" W 50.00' to a point, a corner common to Parcels "C", "D", "E" and "G"; thence with a northerly line of Parcel "E" N 39° 14' 07" W 50.00' to the point of beginning containing 1,309 square feet of land.

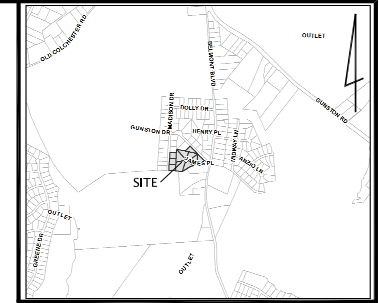


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December 6, 2022

**DESCRIPTION
 OF
 PARCEL "G"
 JAMES PLACE VACATION
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the southerly line of Lot 47, Gunston Heights, Section One, a corner common to Lot 46 and Parcel "F"; thence with the southerly line of Lot 47 with a curve to the right (Radius = 50.00', Delta = 23° 13' 20", Tangent = 10.31', Chord = 20.13', Chord Bearing = S 57° 34' 44" E) an arc distance of 20.27' to a point; thence S 45° 55' 20" E 72.62' to a point, a corner common to Lot 48 and Parcel "B"; thence through vacated James Place with a westerly line of Parcel "B" S 54° 45' 10" W 25.44' to a point in the northerly line of Parcel "C"; thence with the northerly line of Parcel "C" N 45° 55' 20" W 67.91' to a point; thence S 44° 04' 40" W 25.00' to a point, a corner common to Parcel "C", "D", "E" and "F"; thence with the easterly line of Parcel "F" N 20° 45' 53" W 50.00' to the point of beginning containing 2,265 square feet of land.



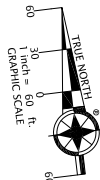
VICINITY MAP
SCALE: 1" = 2000'

CURVE TABLE						
NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHD BRG
C1	243.00'	27°30'20"	116.66'	59.47'	115.54'	N59°40'30"W
C2	25.00'	70°31'44"	30.78'	17.68'	28.87'	N81°11'12"W
C3	50.00'	47°18'24"	41.28'	21.85'	40.05'	S87°09'25"W
C4	50.00'	60°00'00"	52.36'	28.87'	50.00'	N39°14'07"W
C5	50.00'	60°00'00"	52.36'	28.87'	50.00'	N20°45'53"E
C6	50.00'	60°00'00"	52.36'	28.87'	50.00'	N80°45'53"E
C7	50.00'	23°13'20"	20.27'	10.31'	20.13'	S57°34'44"E
C8	193.00'	44°00'00"	148.21'	77.98'	144.60'	S67°55'20"E
C9	25.00'	132°03'31"	57.62'	56.23'	45.69'	N24°02'54"E
C10	218.00'	31°30'29"	119.88'	61.50'	118.38'	S61°40'35"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 41°58'50" E	110.11
L2	S 89°55'20" E	243.32
L3	S 89°55'20" E	78.15
L4	S 89°55'20" E	21.84
L5	N 45°55'20" W	38.29
L6	S 45°55'20" E	72.62
L7	S 45°55'20" E	36.38
L8	S 89°55'20" E	31.00
L9	S 89°55'20" E	151.00
L10	S 00°04'40" W	40.00
L11	S 00°04'40" W	20.16
L12	N 20°45'53" E	50.00
L13	N 80°45'53" E	50.00
L14	S 39°14'07" E	50.00
L15	S 20°45'53" W	50.00
L16	S 44°04'40" W	25.00
L17	N 45°55'20" W	67.91
L18	N 54°45'10" E	25.44
L19	N 45°55'20" W	41.09

AREA TABULATION

PRE-VACATION	POST-VACATION
JAMES PL. = 30,260 SF (0.6947 AC)	PARCEL "A" = 9,696 SF (0.2225 AC)
	PARCEL "B" = 6,942 SF (0.1593 AC)
	PARCEL "C" = 7,430 SF (0.1706 AC)
	PARCEL "D" = 1,309 SF (0.0301 AC)
	PARCEL "E" = 1,309 SF (0.0301 AC)
	PARCEL "F" = 1,309 SF (0.0301 AC)
	PARCEL "G" = 2,265 SF (0.0520 AC)
	TOTAL = 30,260 SF (0.6947 AC)



NOTES:

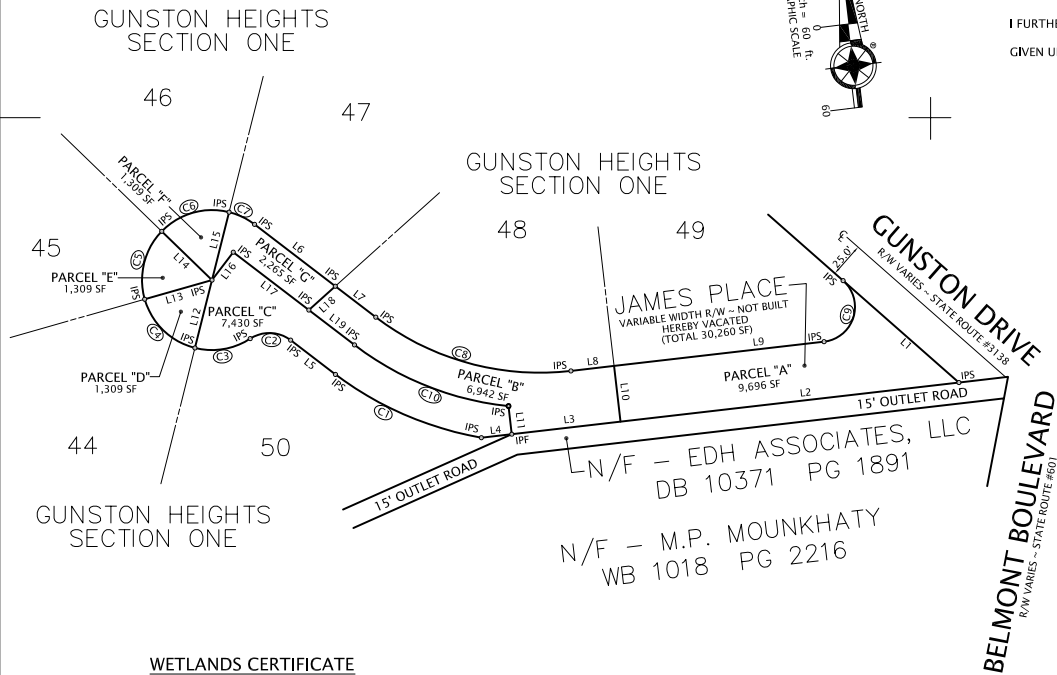
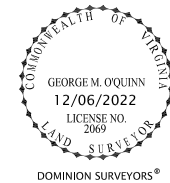
- THE ADJACENT PROPERTIES ARE SHOWN ON THE FAIRFAX COUNTY TAX MAP AS TAX MAP #113-4-04-0044, #113-4-04-0045, #113-4-04-0046, #113-4-04-0047, #113-4-04-0048, #113-4-04-0049, #113-4-04-0050, #113-4-01-0027Z AND ARE ZONED RE.
- ALL PREVIOUSLY RECORDED R/W, EASEMENTS OR OTHER INTEREST OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
- THE BOUNDARY SURVEY OF THE LANDS DELINEATED HEREON MEETS THE MINIMUM ERROR OF CLOSURE OF 1 IN 20,000.
- ANY FUTURE EASEMENT OR AUTHORIZATION FOR ELECTRIC, CABLE, TELEPHONE OR GAS SERVICES TO BE FURNISHED TO THE PROPERTY MUST COMPLY WITH THE PROVISIONS OF 15.2-2241(6) OF THE VIRGINIA CODE.
- THE PERIMETER OF THE LAND HEREON PLATTED WILL BE MONUMENTED USING IRON PIPE OR OTHER PERMANENT MARKER. MONUMENTATION OF INTERNAL LOTS, STREETS, PARCELS, AND PARCELS CREATED BY RECORDATION OF THIS PLAT ARE COVERED BY SUBDIVISION ORDINANCE AND SURETY BOND AND WILL BE INSTALLED BY A LAND SURVEYOR LICENSED IN THE COMMONWEALTH PRIOR TO BOND RELEASE BY FAIRFAX COUNTY.

SURVEYOR'S CERTIFICATE

I, GEORGE M. O'QUINN, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF: THAT JAMES PLACE WAS DEDICATED FOR PUBLIC USE TO THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS RECORDED IN DEED BOOK 861 AT PAGE 332 BEING RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA; AND IS WITHIN THOSE BOUNDARIES.

I FURTHER CERTIFY THAT IRON PIPES SHOWN THUS HAVE BEEN SET AS INDICATED.

GIVEN UNDER MY HAND AND SEAL THIS 6TH DAY OF DECEMBER, 2022.



WETLANDS CERTIFICATE

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.

George M. O'Quinn DECEMBER 06, 2022
GEORGE M. O'QUINN DATE

APPROVED
COUNTY OF FAIRFAX
LAND DEVELOPMENT SERVICES
ADDRESSING REVIEW
BY _____
Date _____ Addressing Reviewer

FINAL PLAT
RECOMMENDED FOR APPROVAL
FAIRFAX COUNTY
LAND DEVELOPMENT SERVICES
ALL STREET LOCATIONS AND/OR EASEMENTS
CONFORM TO THE REQUIREMENTS OF THIS OFFICE.
THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE
PUBLIC SANITARY SEWER.

BY _____
Date _____ Director, Site Development and
Inspection Division or Agent

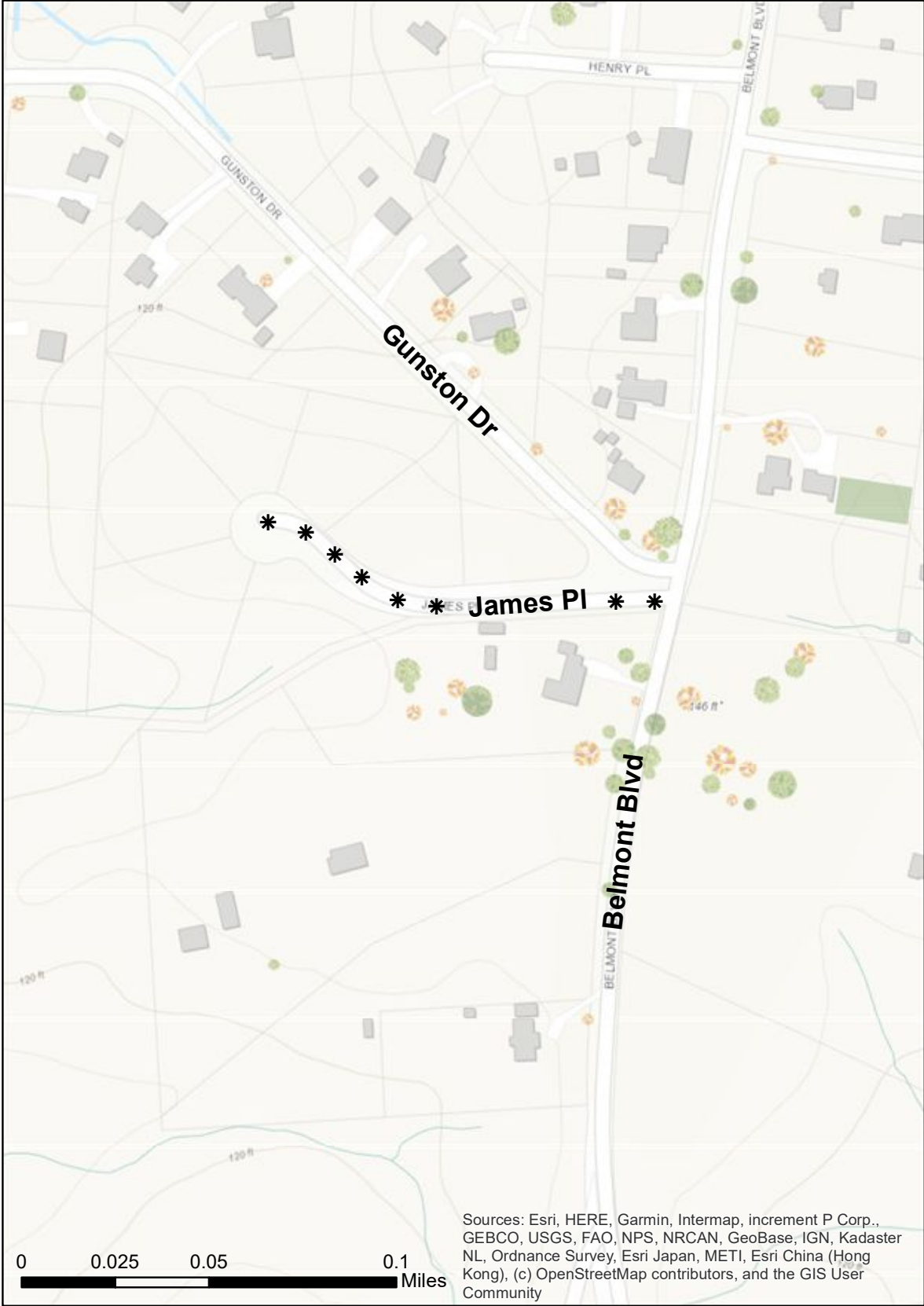
APPROVED
FOR
BOARD OF SUPERVISORS
FAIRFAX COUNTY, VIRGINIA
BY _____
Date _____ Director, Land Development
Services or Agent

APPROVAL VOID IF PLAT IS NOT OFFERED FOR
RECORD ON OR BEFORE _____

PLAT SHOWING
THE VACATION AND ABANDONMENT
OF
JAMES PLACE
(DEED BOOK 861, PAGE 332)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 60' DECEMBER 06, 2022



Vacation of a Portion of James Place Mount Vernon District

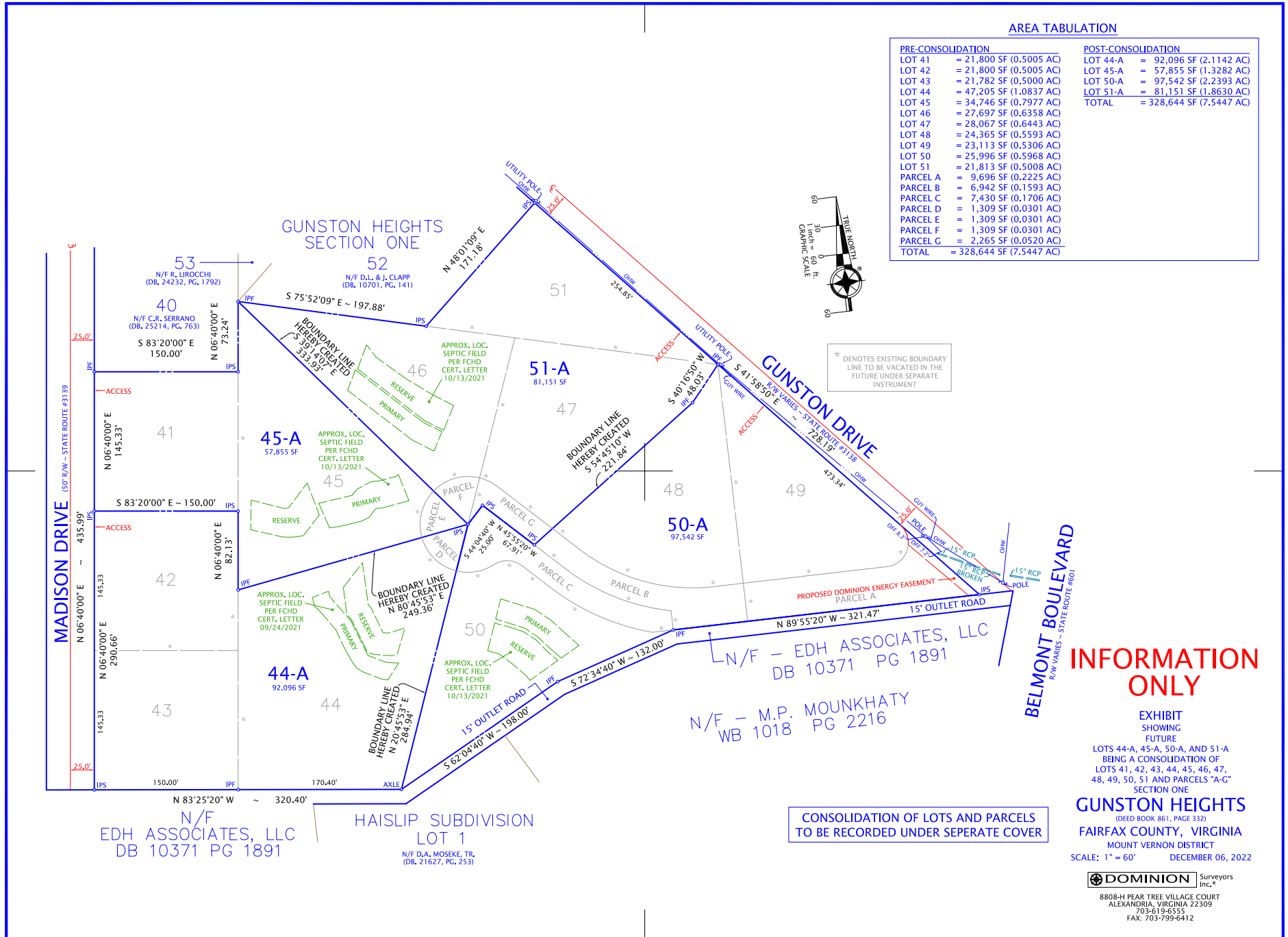


Tax Map 113-4

* Denotes Area to be Vacated

AREA TABULATION

PRE-CONSOLIDATION	POST-CONSOLIDATION
LOT 41 = 21,800 SF (0.5005 AC)	LOT 44-A = 92,096 SF (2.1142 AC)
LOT 42 = 21,800 SF (0.5005 AC)	LOT 45-A = 57,855 SF (1.3282 AC)
LOT 43 = 21,782 SF (0.5000 AC)	LOT 50-A = 97,542 SF (2.2393 AC)
LOT 44 = 47,205 SF (1.0837 AC)	LOT 51-A = 81,151 SF (1.8630 AC)
LOT 45 = 34,746 SF (0.7977 AC)	TOTAL = 328,644 SF (7.5447 AC)
LOT 46 = 27,697 SF (0.6358 AC)	
LOT 47 = 28,067 SF (0.6443 AC)	
LOT 48 = 24,365 SF (0.5593 AC)	
LOT 49 = 23,113 SF (0.5306 AC)	
LOT 50 = 25,996 SF (0.5968 AC)	
LOT 51 = 21,813 SF (0.5008 AC)	
PARCEL A = 9,696 SF (0.2225 AC)	
PARCEL B = 6,942 SF (0.1593 AC)	
PARCEL C = 7,430 SF (0.1706 AC)	
PARCEL D = 1,309 SF (0.0301 AC)	
PARCEL E = 1,309 SF (0.0301 AC)	
PARCEL F = 1,309 SF (0.0301 AC)	
PARCEL G = 2,265 SF (0.0520 AC)	
TOTAL = 328,644 SF (7.5447 AC)	



INFORMATION ONLY

EXHIBIT SHOWING FUTURE
 LOTS 44-A, 45-A, 50-A, AND 51-A BEING A CONSOLIDATION OF LOTS 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 AND PARCELS "A-G" SECTION ONE
GUNSTON HEIGHTS
 (DEED BOOK 861, PAGE 332)
 FAIRFAX COUNTY, VIRGINIA
 MOUNT VERNON DISTRICT
 SCALE: 1" = 60' DECEMBER 06, 2022

DOMINION Surveyors Inc.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 703-619-6555
 FAX: 703-799-6412

Board Agenda Item
May 21, 2024

4:30 p.m.

Public Hearing to Consider Proposed Amendments to the Police Officers and Uniformed Retirement Systems Ordinances

ISSUE:

Proposed amendments to Articles 3 and 7 of Chapter 3 of the Code of the County of Fairfax which set forth the ordinances for the Fairfax County Uniformed (URS) and Police Officers (PORS) Retirement Systems.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to the URS and PORS ordinances for the purpose of adding certain provisions with respect to active-duty military service (URS and PORS) and law enforcement service (PORS) purchases. The URS and PORS Boards of Trustees have reviewed and support the proposed amendments.

TIMING:

Board action is requested on May 21, 2024, so that the provisions can be in effect on or before July 1, 2024.

BACKGROUND:

Per the Collective Bargaining Agreements between Fairfax County and IAFF Local 2068 and the Police Benevolent Association:

- Members of the Uniformed Retirement System (URS), who are uniformed members of the Fairfax County Fire and Rescue Department, may purchase up to four years of service credit for prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable, and
- Members of the Uniformed Retirement System (URS) who are sworn members for the Fairfax County Police Department, may purchase up to four years of service credit as a full-time sworn employee of another federal, state, or local government law enforcement agency, or prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable, and

Board Agenda Item
May 21, 2024

- Members of the Police Officers Retirement System (PORS) may purchase up to four years of service credit as a full-time sworn employee of another federal, state, or local government law enforcement agency, or prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable.

The ordinances for the URS and PORS need to be amended to allow these purchases to be made, as detailed in the Attached Code amendments.

EQUITY IMPACT:

None.

FISCAL IMPACT:

Pursuant to the terms of the collective bargaining agreements, the full cost of any service purchased will be paid by the member, resulting in no increase in the unfunded liability of the systems at the time of the purchase. As reflected in the attached letters from the systems' actuary, Cheiron, has re-confirmed that the cost to the retirement systems is expected to be immaterial. The calculations developed by the actuary to determine the members' cost for purchase of service credits will be re-evaluated on an annual basis and revised as needed.

Although there is no cost incurred by the County at the time of the service purchase, the systems will assume the risk that all actuarial assumptions will be met for purchased service credits. If the systems experience investment losses, due to returns falling short of the assumption, or liability losses, such as those resulting from improvements to member mortality, then the increase in unfunded liability will be amortized and included in the employer contribution rates paid by the County. The magnitude of the impact of purchased service credits will depend on the number of members utilizing this option but is not anticipated to be significant.

ENCLOSED DOCUMENTS:

Attachment 1: Excerpt from the IAFF Local 2068 Collective Bargaining Agreement

Attachment 2: Excerpt from the Police Benevolent Association Collective Bargaining Agreement

Attachment 3: Amendments to Chapter 3, Article 3

Attachment 4: Amendments to Chapter 3, Article 7

Attachment 5: Letter from the actuary for the Police Officers Retirement System

Attachment 6: Letter from the actuary for the Uniformed Retirement System

Board Agenda Item
May 21, 2024

STAFF:

Christina Jackson, Deputy County/Chief Financial Officer
Jeff Weiler, Executive Director, Retirement Administration
Linnaea Jablonski, Director, Department of Human Resources

ASSIGNED COUNSEL:

Cynthia A. Bailey, Deputy County Attorney
Patricia Moody McCay, Senior Assistant County Attorney

Collective Bargaining Agreement Between Fairfax County and IAFF Local 2068 Purchasing Active-Duty Military Service

Section 74.2: Purchase of Up to 4 Years of Active-Duty Military Service

- A. **Subject to the recommendation of the Board of Trustees for the Fairfax County URS and subsequent approval by the Board of Supervisors, the County agrees to amend the URS ordinance effective July 1, 2024, to provide that any member in active service who is a uniformed member of the FRD may purchase service credit for prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable.** For purposes of this Article, such amendment shall be referred to as the “Amendment.”
- B. Under the Amendment,
- **no member in service shall be allowed to purchase more than a total of four years of service credit.**
 - **Nor shall any member in service be allowed to purchase service credit included in the calculation of any retirement allowance received or to be received by the member from the URS or other retirement system,**
 - **or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service, except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended.**

The Amendment shall also provide that service **credit purchased pursuant to its provisions shall apply to the calculation of the member’s retirement allowance and the calculation of the member’s retirement eligibility but shall not apply to the vesting requirements of URS.**

- C. **Service credit purchased pursuant to the Amendment shall be credited to a member only for each full month of service, as indicated on the member’s DD-214** submitted to the Fairfax County Retirement Administration Agency (“RAA”).
- D. For purposes of the Amendment, **“active-duty military service” shall mean full-time service of at least 180 consecutive days in the United States Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, or reserve components thereof (including the National Guard).** “State” shall include the District of Columbia and any territory of the United States.
- E. The Amendment shall allow the member to make payment for covered service credits:
- **in a lump sum at the time of purchase, through the transfer of funds from another retirement account,** as permitted by and consistent with federal and state law,
 - **or by a payment plan with a maximum duration of 48 months,**
 - **or any combination thereof.**

Regardless of the method of payment, **the member shall be responsible for paying the full costs of the service credits,** including any increase in cost due to the timing of payments.

In addition, **any member who chooses a payment plan** shall enter into a contract with the RAA, which shall be responsible for calculating the total cost of the purchase, including any applicable interest. The contract shall provide that, **in the event the member terminates the payment plan prior to making full payment, the member shall only be credited service credits equivalent to the total amount of the payments made prior to the termination.**

Collective Bargaining Agreement Between Fairfax County and the Police Benevolent Association Purchasing Law Enforcement or Active-Duty Military Service

Section 74.2: Purchase of Up to 4 Years of Prior Law Enforcement or Active-Duty Military Service

- A. **Subject to the recommendation of the Board of Trustees for the Fairfax County Police Officers Retirement System (“PORS”) and the Board of Trustees for the Fairfax County Uniformed Retirement System (“URS”) (collectively, the “Systems”), and subsequent approval by the Board of Supervisors,** the County agrees to amend the respective ordinances for the for the PORS and URS, **effective once approved by the necessary parties, but no later than July 1, 2024,** to provide that any member in active service who is a sworn member of the Fairfax County Police Department may purchase service credit for:
- 1) **service as a full-time sworn employee of another federal, state, or local government law enforcement agency** in the United States or of a private university located in the United States; and
 - 2) **prior active-duty military service in the armed forces of the United States,** provided that the discharge from a period of active-duty status with the armed forces was not dishonorable. For purposes of this Article, such amendment shall be referred to as the “Amendment.”
- B. Under the Amendment, **no member in service shall be allowed to purchase more than a total of four years of service credit.** Nor shall any member in service be allowed to purchase service credit included in the calculation of any retirement allowance received or to be received by the member from the PORS or URS, as applicable, or other retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service, except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended. The Amendment shall also provide that service credit purchased pursuant to its provisions shall apply to the calculation of the member’s retirement allowance and the calculation of the member’s retirement eligibility but shall not apply to the vesting requirements of the PORS or URS, as applicable.
- C. **Service credit purchased pursuant to part (1) of the Amendment shall be credited to the member in accordance with the PORS or URS ordinance,** as applicable. In addition, a member shall be eligible to purchase service credit pursuant to part (1) of the Amendment to make up any difference between to the total amount of service credit earned while serving as a full-time sworn employee of another federal, state, or local government law enforcement agency in the United States or of a private university located in the United States (“total prior service credit”) and the amount of portability service credit (as defined in the PORS or URS ordinance, as applicable) the member is allowed to purchase from the PORS or URS, as applicable, under any agreement concerning reciprocal asset transfer and/or pension portability between the County and the Virginia Retirement System (“VRS”) or any other political subdivision of the Commonwealth of Virginia. **In other words, nothing in this Amendment shall preclude a member from porting their applicable time and purchasing service credit for a combined total of not more than four years.**
- D. **Service credit purchased pursuant to part (2) of the Amendment shall be credited to a member only for each full month of service, as indicated on the member’s DD-214** submitted to the Fairfax County Retirement Administration Agency (“RAA”).
- E. For purposes of the Amendment, **“active-duty military service” shall mean full-time service of at least 180 consecutive days in the United States Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, or reserve components thereof (including the National Guard).** “State” shall include the District of Columbia and any territory of the United States. “Local government” shall mean any political subdivision of the Commonwealth of Virginia or another state.
- F. The Amendment shall allow the member to make payment for covered service credits:
- a. **in a lump sum** at the time of purchase,
 - b. **through the transfer of funds from another retirement account,** as permitted by and consistent with federal and state law,
 - c. **or by a payment plan with a maximum duration of 48 months,** or any combination thereof.

Regardless of the method of payment, **the member shall be responsible for paying the full costs of the service credits,** including any increase in cost due to the timing of payments. In addition, any member who chooses a payment plan shall enter into a contract with the RAA, which shall be responsible for calculating the total cost of the purchase, including any applicable

interest. The contract shall provide that, **in the event the member terminates the payment plan prior to making full payment, the member shall only be credited service credits equivalent to the total amount of the payments made prior to the termination.**

AN ORDINANCE AMENDING CHAPTER 3 OF THE FAIRFAX COUNTY CODE, RELATING TO PURCHASE OF SERVICE CREDIT FOR PRIOR ACTIVE-DUTY MILITARY SERVICE AND, FOR CERTAIN MEMBERS, PRIOR LAW ENFORCEMENT SERVICE

AN ORDINANCE to amend Chapter 3, Article 3 the Fairfax County Code by adding Section 3-3-25.2 Purchase of Service Credit for Prior Active-Duty Military Service and, for Certain Members, Prior Law Enforcement Service.

Draft of April 12, 2024

Be it ordained by the Board of Supervisors of Fairfax County:

- 1. That Chapter 3, Article 3 of the Fairfax County Code is amended and a new Section 3-3-25.2 is adopted, as follows:**

Section 3-3-25.2. Purchase of Service Credit for Prior Active-Duty Military Service and, for Certain Members, Prior Law Enforcement Service.

- (a) Any member in active service who is a uniformed member of the Fairfax County Fire and Rescue Department may purchase service credit for prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable. Any member in active service who is a sworn member for the Fairfax County Police Department may purchase service credit for: (1) service as a full-time sworn employee of another federal, state, or local government agency in the United States or of a private university located in the United States; and (2) prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable.
- (b) No member in service shall be allowed to purchase more than a total of four (4) years of service credit. Nor shall any member in service be allowed to purchase service credit included in the calculation of any retirement allowance received or to be received by the member from this System or any other retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service, except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended. Service credit purchased pursuant to this Section shall apply to the calculation of the member’s retirement allowance and the calculation of the member’s retirement eligibility but shall not apply to the vesting requirements of this System.
- (c) Service credit purchased pursuant to this Section shall be credited to a

1 member only for each full month of service, as indicated on the member's
2 DD-214 submitted to the Fairfax County Retirement Administration Agency
3 ("RAA").
4

5 (d) For purposes of this Section:
6

- 7 1. "Active-duty military service" shall mean full-time service of at least
8 one-hundred-eighty (180) consecutive days in the United States Army,
9 Marine Corps, Navy, Air Force, Space Force, Coast Guard, or reserve
10 components thereof (including the National Guard); and
11
- 12 2. "State" shall include the District of Columbia and any territory of the
13 United States.
14

15 (e) A member may make payment for service credits covered under this Section
16 in a lump sum at the time of purchase, through the transfer of funds from
17 another retirement account, as permitted by and consistent with federal and
18 state law, or by a payment plan with a maximum duration of forty-eight (48)
19 months, or any combination thereof. Regardless of the method of payment,
20 the member shall be responsible for paying the full costs of the service
21 credits, including any increase in cost due to the timing of payments. In
22 addition, any member who chooses a payment plan shall enter into a contract
23 with the RAA, which shall be responsible for calculating the total cost of the
24 purchase, including any applicable interest. The contract shall provide that, in
25 the event the member terminates the payment plan prior to making full
26 payment, the member shall only be credited service credits equivalent to the
27 total amount of the payments made prior to the termination.
28

29 **2. That the provisions of this ordinance are severable, and if any**
30 **provision of this ordinance or any application thereof is held invalid,**
31 **that invalidity shall not affect the other provisions or applications of**
32 **this ordinance that can be given effect without the invalid provision**
33 **or application.**
34

35 **3. This amendment is effective on July 1, 2024, or after the required**
36 **hearing before the Board of Supervisors, whichever occurs first.**
37

38 GIVEN under my hand this ___ day of _____ 2024.

39
40 _____
41 Jill G. Cooper
42 Clerk to the Board of Supervisors

AN ORDINANCE AMENDING CHAPTER 3 OF THE FAIRFAX COUNTY CODE, RELATING TO PURCHASE OF SERVICE CREDIT FOR PRIOR LAW ENFORCEMENT OR ACTIVE-DUTY MILITARY SERVICE

AN ORDINANCE to amend Chapter 3, Article 7 of the Fairfax County Code by adding Section 3-7-23.2 Purchase of Service Credit for Prior Law Enforcement or Active-Duty Military Service.

Draft of April 12, 2024

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Chapter 3, Article 7 of the Fairfax County Code is amended and a new Section 3-7-23.2 is adopted, as follows:

Section 3-7-23.2. Purchase of Service Credit for Prior Law Enforcement or Active-Duty Military Service.

(a) Any member in active service who is a sworn member of the Fairfax County Police Department may purchase service credit for:

- (1) Service as a full-time sworn employee of another federal, state, or local government law enforcement agency in the United States or of a private university located in the United States; and
- (2) Prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable.

(b) No member in service shall be allowed to purchase more than a total of four (4) years of service credit. Nor shall any member in service be allowed to purchase service credit included in the calculation of any retirement allowance received or to be received by the member from this System or the Fairfax County Uniformed Retirement System (URS), as applicable, or any other retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service, except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended. Service credit purchased pursuant to this Section shall apply to the calculation of the member's retirement allowance and the calculation of the member's retirement eligibility but shall not apply to the vesting requirements of this System or the URS, as applicable.

(c) Service credit purchased pursuant to Subsection (a)(1) of this Section shall be credited to the member in accordance with the rules of this System or the URS, as applicable. In addition, a member shall be eligible

1 to purchase service credit pursuant to Subsection (a)(1) of this Section to
2 make up any difference between to the total amount of service credit
3 earned while serving as a full-time sworn employee of another federal,
4 state, or local government law enforcement agency in the United States or
5 of a private university located in the United States (“total prior service
6 credit”) and the amount of portability service credit (as defined in this
7 Article or Article 3 of this Chapter, as applicable) the member is allowed to
8 purchase from this System or the URS, as applicable, under any
9 agreement concerning reciprocal asset transfer and/or pension portability
10 between Fairfax County and the Virginia Retirement System (VRS) or any
11 other political subdivision of the Commonwealth of Virginia. Nothing in this
12 Section shall preclude a member from porting their applicable time and
13 purchasing service credit for a combined total of not more than four (4)
14 years.

15
16 (d) Service credit purchased pursuant to Subsection (a)(2) of this Section
17 shall be credited to a member only for each full month of service, as
18 indicated on the member’s DD-214 submitted to the Fairfax County
19 Retirement Administration Agency (RAA).

20
21 (e) For purposes of this Section:

22
23 (1) “Active-duty military service” shall mean full-time service of at least
24 one-hundred-eighty (180) consecutive days in the United States
25 Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard,
26 or reserve components thereof (including the National Guard);

27
28 (2) “State” shall include the District of Columbia and any territory of the
29 United States; and

30
31 (3) “Local government” shall mean any political subdivision of the
32 Commonwealth of Virginia or another state.

33
34 (f) The member may make payment for service credits covered under this
35 Section in a lump sum at the time of purchase, through the transfer of
36 funds from another retirement account, as permitted by and consistent
37 with federal and state law, or by a payment plan with a maximum duration
38 of forty-eight (48) months, or any combination thereof. Regardless of the
39 method of payment, the member shall be responsible for paying the full
40 costs of the service credits, including any increase in cost due to the
41 timing of payments. In addition, any member who chooses a payment plan
42 shall enter into a contract with the RAA, which shall be responsible for
43 calculating the total cost of the purchase, including any applicable interest.
44 The contract shall provide that, in the event the member terminates the
45 payment plan prior to making full payment, the member shall only be
46 credited service credits equivalent to the total amount of the payments



May 8, 2024

Mr. Jeffrey Weiler
 Executive Director
 12015 Lee Jackson Memorial Highway, Suite 350
 Fairfax, Virginia 22033

Re: Police Officers Retirement System Proposed Ordinance Change

Dear Jeff:

As requested, we are writing to provide the actuarial impact of a change to the Police Officers Retirement System (PORS) ordinance. It is our understanding that the change to the ordinance, effective July 1, 2024 provides any member in active service the ability to purchase service credit for 1) law enforcement service worked at another federal, state, or local government agency or 2) prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active- duty status with the armed forces was not dishonorable.

Overall, the cost of these changes would be immaterial to the System. That is because the full cost of the projected increase in the present value of benefits due to the service purchase would be paid to the System assets making the plan whole. This payment would be made through one of three options: a) a lump sum, b) payment plan with a maximum duration of 48 months, or c) transfer of funds from another retirement account.


This letter was prepared exclusively for the Fairfax County Retirement Systems for the purpose described herein. Other users of this letter are not intended users as defined in the Actuarial Standards of Practice, and Cheiron assumes no duty or liability to any other user.

This letter and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and practices, and our understanding of the Code of Professional Conduct, and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board, as well as applicable laws and regulations. Furthermore, as credentialed actuaries, we meet the Qualification Standards of the American Academy of Actuaries to render the opinion contained in this letter. This letter does not address any contractual or legal issues. We are not attorneys, and our firm does not provide any legal services or advice.

Please call if you have any questions or comments.

Sincerely,
 Cheiron


 Fiona E. Liston, FSA
 Principal Consulting Actuary


 Coralie Taylor, FSA
 Consulting Actuary



May 8, 2024

Mr. Jeffrey Weiler
Executive Director
12015 Lee Jackson Memorial Highway, Suite 350
Fairfax, Virginia 22033

Re: *Uniformed Retirement System Proposed Ordinance Change*

Dear Jeff:

As requested, we are writing to provide the actuarial impact of a change to the Uniformed Retirement System (URS) ordinance. It is our understanding that the change to the ordinance, effective July 1, 2024 provides any member in active service the ability to purchase service credit for prior active-duty military service in the armed forces of the United States, provided that the discharge from a period of active-duty status with the armed forces was not dishonorable.

Overall, the cost of these changes would be immaterial to the System. That is because the full cost of the projected increase in the present value of benefits due to the service purchase would be paid to the System assets making the plan whole. This payment would be made through one of three options: a) a lump sum, b) payment plan with a maximum duration of 48 months, or c) transfer of funds from another retirement account.

This letter was prepared exclusively for the Fairfax County Retirement Systems for the purpose described herein. Other users of this letter are not intended users as defined in the Actuarial Standards of Practice, and Cheiron assumes no duty or liability to any other user.

This letter and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and practices, and our understanding of the Code of Professional Conduct, and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board, as well as applicable laws and regulations. Furthermore, as credentialed actuaries, we meet the Qualification Standards of the American Academy of Actuaries to render the opinion contained in this letter. This letter does not address any contractual or legal issues. We are not attorneys, and our firm does not provide any legal services or advice.

Please call if you have any questions or comments.

Sincerely,
Cheiron

Fiona E. Liston, FSA
Principal Consulting Actuary

Coralie Taylor, FSA
Consulting Actuary

Board Agenda Item
May 21, 2024

4:30 p.m.

Public Hearing on the Preservation and Reinvestment Initiative for Community Enhancement Grant Application

ISSUE:

Public hearing before the Fairfax County Board of Supervisors (Board) on the Preservation and Reinvestment Initiative for Community Enhancement (PRICE) Main grant application. Today's public hearing is required by the U.S. Department of Housing and Urban Development (HUD) as part of the application process. Per HUD instructions, a summary by topic of all comments or views received on the application, a list of commenters by name or organization, and a summary of any comments or views not accepted and the reasons why must be submitted to HUD along with the application submission. It should also be noted that a separate Board item has been submitted to formally apply for and accept, if received, grant funding. Approval of the apply/accept Board item will be deferred until the conclusion of the public hearing.

RECOMMENDATION:

The County Executive recommends that the Board forward comments received on the PRICE Main grant application to Department of Housing and Community Development (HCD) staff. At the conclusion of the public hearing on the PRICE Main grant application, the County Executive also recommends the Board approve the apply/accept Board item authorizing HCD to submit the PRICE Main grant application in order to meet the June 5, 2024, application deadline.

TIMING:

On May 7, 2024, the Board authorized advertisement of a public hearing on the draft PRICE Main grant application.

BACKGROUND:

The PRICE grant competition has been issued by HUD to preserve long-term housing affordability for residents of manufactured housing or a Manufactured Housing Community (MHC), to redevelop MHCs, and to primarily benefit low- and moderate-income residents. Congress appropriated \$225 million for competitive grants, of which \$200 million is reserved for the main PRICE competition (PRICE Main) and the remaining \$25 million is reserved for a pilot program to assist in the redevelopment of MHCs as replacement housing that is affordable. HUD expects to make approximately

Board Agenda Item
May 21, 2024

25 awards from the funds available, with a minimum award amount for PRICE Main of \$5,000,000 and a maximum award amount of \$75,000,000. As of May 2, 2024, HUD has stated that there is an Intent to Modify the maximum amount up to \$235 million. Additional details about the modifications have not been published on the HUD website; however, HUD does not anticipate these modifications will necessitate changes to most proposals.

HCD in partnership with the Departments of Neighborhood and Community Services (NCS), Planning and Development (DPD), and Public Works and Environmental Services (DPWES) as well as the Office of Energy and Environmental Coordination (OEEC) and the Office of Human Rights and Equity Programs (OHREP) is applying for a PRICE Main grant of \$39,550,000. The grant has a six-year period of performance with an estimated project start date of October 1, 2024, and estimated project end date of September 30, 2030.

As required by HUD, the full draft grant application has been made available for public comments for 15 days culminating in today's May 21, 2024, public hearing. Today's public hearing was also required by HUD as part of the application process. The timing of the public comment period and this public hearing allows HCD staff to consider and incorporate as appropriate public comments into the application.

Fairfax County has eight existing MHCs across several magisterial districts containing approximately 1,750 units. This grant would be beneficial in serving these communities, furthering affordable housing preservation goals in Fairfax County, implementing the Fairfax County goals Metropolitan Council of Governments (COG) Regional Fair Housing plan, and implementing the recommendations of the Manufactured Housing Task Force (MHTF). If awarded, funding would be used for the purposes of rehabilitation and replacement of existing units, infrastructure improvements, planning activities, resident and community services, resilience activities, wealth building activities, community education and engagement, and providing other assistance to manufactured housing tenants and homesite renters for land and site acquisition. The PRICE Main grant will support activities recommended by the MHTF and delivered to the Board in September 2022. The Board has identified manufactured housing as a source of affordable housing within the County. The MHTF evaluated the needs of residents and MHC owners and made recommendations with the following goals:

- Preserving the approximately 1,750 housing opportunities that exist in the eight MHCs, recognizing the uniqueness of each community's needs.
- Providing opportunities for residents to fully participate in and benefit from civic life in the County; and
- Provide residents and MHC owners with opportunities to learn about their rights

Board Agenda Item
May 21, 2024

and responsibilities.

The PRICE Main grant application does not require matching funding; however, HUD views external funding as an indicator of support and commitment to the project. The following sources have been identified to support this initiative:

- The County will leverage \$3,750,000 in Amazon IMPACT Reach funds to assist first-time homebuyers in MHCs.
- The Neighborhood Initiative Program and Opportunity Neighborhoods, both administered by the Department of Neighborhood and Community Services, will also provide funding to enhance service delivery and promote equitable outcomes for manufactured housing residents, leveraging around \$2,794,500.
- The County's FY 2023 and FY 2024 One-Year Action Plans allocated funding to a pilot manufactured housing rehabilitation activity. The current balance of funding for this activity is \$491,064 with an annual planned allocation of \$240,000 of CDBG funds. These funds would provide additional program funding leverage of \$1,931,064 during the PRICE Main grant period of performance. It should be noted that the annual allocation of \$240,000 between FY 2025 and FY 2030 is dependent upon HUD CDBG grant awards equal to the FY 2024 award.

Pursuant to 24 CFR 570.200(k) (entitlements and non-CDBG grantees) and 570.480(h) (states), any unexpended funds in a grantee's account on September 30, 2032, will be cancelled. A grantee must expend funds in a manner that meets all PRICE program requirements by the end of the period of the performance of the PRICE grant or September 30, 2032, whichever is earlier.

EQUITY IMPACT:

The County's application for the PRICE Main grant would meet critical housing, human services, and community development needs and also align with multiple focus areas of One Fairfax, including:

1. Community and economic development policies and programs that promote wealth creation and ensure fair access for all people.
2. Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the County, most notably those in mixed-use areas that are accessible to multiple modes of transport.
8. Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood.

Board Agenda Item
May 21, 2024

11. A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities, and services for all people.

The PRICE Main grant will also focus on improved community outreach and engagement in MHCs, understanding of community needs, access to resources that support housing stability, code compliance and safety, land use policies and regulations, and legislation.

The MHTF purposefully included a diverse array of MHC residents, community owners, housing advocates, and representatives of the development community, among others. These recommendations and the application were developed through a public process with community and stakeholder engagement paramount to the formation of the recommendations and application.

FISCAL IMPACT:

A separate Board item to apply for and accept grant funding, if received, in the amount of \$39,550,000 from HUD, PRICE Main grant has been presented to the Board of Supervisors for approval at the conclusion of the public hearing.

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Fairfax County Application for the PRICE Main Grant

STAFF:

Christopher Leonard, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)

Meghan Van Dam, Director, Affordable Housing Development Division, HCD

Sharon Shields, Program Manager, Grants Management, HCD

ASSIGNED COUNSEL:

Susan L. Timoner, Assistant County Attorney

FAIRFAX COUNTY DRAFT APPLICATION
FOR THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PRESERVATION AND REINVESTMENT INITIATIVE FOR
COMMUNITY ENHANCEMENT (PRICE) MAIN COMPETITION

May 6, 2024

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Exhibit A: EXECUTIVE SUMMARY

Fairfax County, Virginia, renowned for its quality of life and economic opportunities, faces a pressing need for affordable and accessible housing. Despite its high median income, a significant portion of Fairfax County residents struggle with the soaring cost of living, racial disparities, and limited affordable housing options. Particularly vulnerable are low-and moderate-income (LMI) households, especially those earning below 30 percent of the Area Median Income (AMI), who face severe housing burdens and a lack of equitable opportunities.

With approximately one in five renters in Fairfax County facing severe housing cost burdens, the demand for affordable housing is urgent and projected to escalate. By 2034, the county anticipates a need for over 18,000 new housing units for households earning less than 80 percent of the AMI. This challenge not only threatens the economic vitality of Fairfax County but also impedes the realization of its commitment to racial and social equity through initiatives like the One Fairfax policy.

Manufactured Housing Communities (MHCs) in Fairfax County serve as crucial sources of affordable housing, particularly for working families. However, these communities face multifaceted challenges, including escalating land values, regulatory constraints, and vulnerability to environmental hazards such as flooding, storms, and extreme heat. Residents of MHCs are disproportionately impacted by these challenges due to limited economic capacity, physical location in environmentally hazardous areas, and linguistic isolation.

Recognizing the critical role of MHCs in providing affordable housing, Fairfax County has undertaken significant efforts to preserve and revitalize these communities. The Manufactured Housing Task Force (MHTF) was established to develop strategies for preserving affordable housing opportunities within MHCs. However, barriers such as high land costs, limited constitutional authority, and limited resident organization hinder preservation efforts.

Fairfax County's application for the PRICE Main Competition seeks to address these challenges comprehensively by promoting housing preservation and revitalization, accelerating services to MHCs, and implementing the recommendations of the MHTF through a lens of racial and social equity. By enhancing resilience to natural hazards, improving resident organization and economic capacity, and mitigating regulatory constraints, Fairfax County aims to safeguard the affordability and accessibility of housing within MHCs.

The proposed interventions not only address immediate housing needs but also align with Fairfax County's broader goals of promoting equitable access to housing and fostering resilient communities. Through collaborative efforts between government agencies, residents, MHC owners, and community organizations, Fairfax County endeavors to ensure that all residents have access to safe, affordable, and dignified housing, thereby fostering a more inclusive and prosperous community for all.

EXHIBIT B: THRESHOLD REQUIREMENTS AND OTHER SUBMISSION REQUIREMENTS

The Department of Housing and Community Development (HCD) operates under the Fairfax County Government in Fairfax County, VA. HCD is an eligible applicant for the Preservation and Reinvestment Initiative for Community Enhancement (PRICE) Competition as a local county government. All eligibility requirements under Exhibit B Threshold Requirements in Section III.D and Other Submission Requirements in Section IV.G are met, with no unresolved Civil Rights Matters, to be eligible for the PRICE grant.

Applicant: Fairfax County Government, Department of Housing and Community Development.

Type of Applicant: Local Government.

Main Point of Contact: Meghan Van Dam, Affordable Housing Division Director, HCD.

Address: 3700 Pender Drive, Fairfax, VA 22030.

Contact Information: Meghan.VanDam@fairfaxcounty.gov; (703)324-1379.

Outstanding Civil Rights Matters: None.

EXHIBIT C: NEED (Maximum 15 points)

What is your project area and the need for affordable accessible housing within it?

Fairfax County, Virginia is a great place to live and to do business. Approximately 1.14 million people call Fairfax County home, meaning about one in every eight Virginians live in the Fairfax County. The county has one of the highest Area Median Incomes (AMI) in the nation, currently \$154,700 for a family of four as determined by the US Department of Housing and Urban Development (HUD); however, not all residents are prospering in the county. The high cost of living, racial and income inequities, and the lack of affordable housing options is putting the County’s well-being and future prosperity at risk. A household with two working adults and two children needs an annual gross income of about \$150,183 as a living wage to meet basic living expenses.¹ This income is about five times higher than the federal poverty level.

Low-income households in Fairfax County, particularly those below 30 percent of AMI (i.e., extremely low-income households) are the most disadvantaged in finding and keeping housing in the current market. Extremely low-income households in Fairfax County have a high incidence of housing problems and are more often severely cost burdened than other populations. Furthermore, a disproportionately high number of minority non-white households pay more than 30 percent of their household income for housing. This disproportionality is greatest among Black/African Americans and Hispanics. Hispanic households experience cost burden most frequently, and approximately 44 percent of Hispanic households are cost burdened, paying more than 30 percent of their income as rent.²

Fairfax County’s rent prices are substantially higher than the state average and are notably less equitably distributed across price ranges (Figure 1).

Figure 1: Rent Distribution in Fairfax County (left) versus Virginia (right)

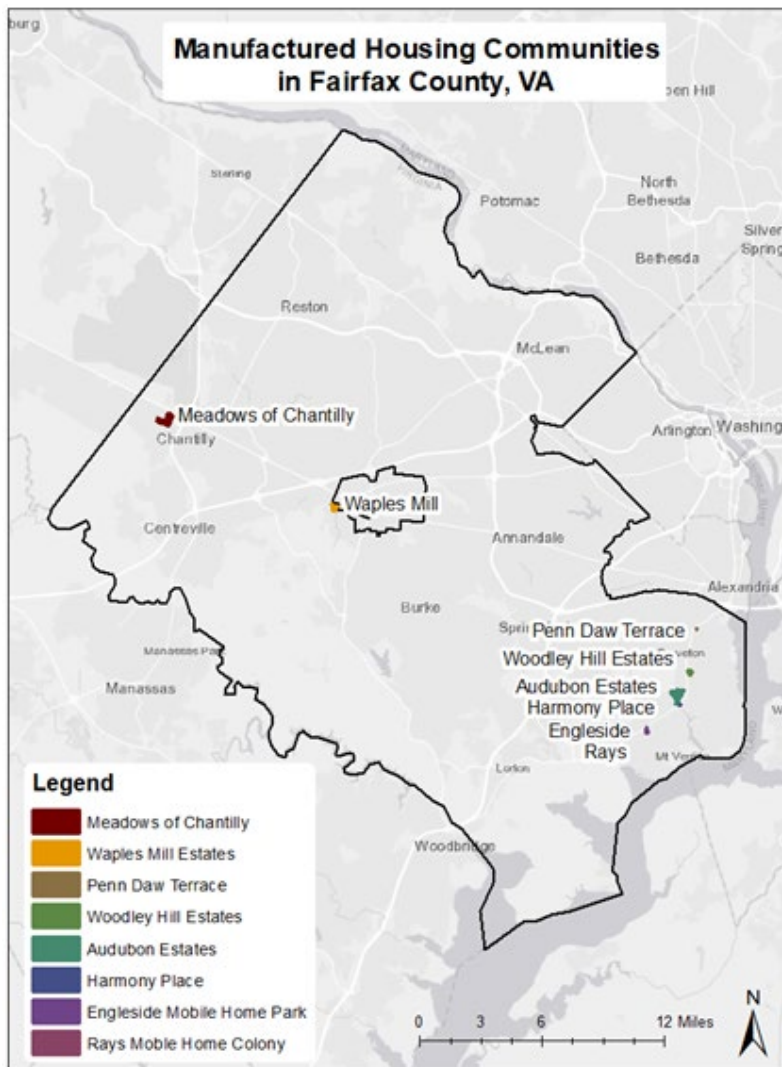


¹ Living Wage Calculator for Fairfax County, VA. Dr. Amy K. Glasmeier and the Massachusetts Institute of Technology. 2024. <https://livingwage.mit.edu/counties/51059>

² Fairfax County Five-Year Consolidated Plan for FY2022 – FY2026. Fairfax County, Va., page 8. <https://www.fairfaxcounty.gov/housing/sites/housing/files/Assets/documents/Consolidated%20Plan/5-Year%20Consolidated%20Plan%20-%20FY2022-2026.pdf>

One in five renters in the county are “severely cost burdened,” meaning they pay more than 50 percent of their income for housing and often make difficult choices among necessities. By 2034, over 18,000 new housing units will be needed for households earning less than 80 percent of the AMI. At the same time, wage growth is not keeping pace with the cost of and demand for housing and families, particularly those that would be considered low- or moderate-income (LMI), who are falling further behind. The economic viability of Fairfax County is at stake, as evidenced by Fairfax County’s *2015 Strategic Plan to Facilitate the Economic Success of Fairfax County*.³ Furthermore, the lack of a range of affordable, accessible housing in the county hinders the full implementation of the county’s One Fairfax policy racial and social equity

Figure 3: Manufactured Housing Communities in Fairfax County, VA



policy, which calls for equitable access to communities of high opportunity.

Fairfax County affirms Manufactured Housing Communities (MHCs) as an important source of affordable housing in the county. The county has eight existing MHCs, containing approximately 1,750 units.⁴ Six of the county’s eight MHCs (Penn Daw Terrace, Woodley Hill Estates, Audubon Estates, Harmony Place, Engleside Mobile Home Park, and Rays Mobile Home Colony) are along the historic Richmond Highway (U.S. Route 1) corridor. The other two, Meadows of Chantilly and Waples Mill Estates, are further west, in Chantilly and just outside of Fairfax City, respectively.

The Richmond Highway corridor is an area of disproportionate socioeconomic vulnerability in the county. Portions of

³ The Fairfax County Board of Supervisors’ Strategic Plan to Facilitate the Economic Success of Fairfax County. Fairfax County, Va. 2015. <https://www.fairfaxcounty.gov/economic-success/sites/economic-success/files/Assets/Documents/PDF/strategic-plan-facilitate-economic-success-2015.pdf>

⁴ Fairfax County Manufactured Housing Task Force – Recommendations Document. August 2022. [Manufactured Housing Task Force | Topics \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/one-fairfax/one-fairfax-topics/manufactured-housing-task-force)

Richmond Highway, including the Census Tracts where several of the MHCs are located, experience “Very High” levels of Vulnerability with high percentages of persons with low educational attainment, low English-speaking ability, and low-income occupations, as measured in the county’s Vulnerability Index.⁵

Further, the county is planning a new bus rapid transit (BRT) system along the Richmond Highway Corridor. The expected new development stemming from the BRT system on Richmond Highway and in Fairfax County generally will continue to increase redevelopment pressure on the value of the county’s MHCs and the residents who call them home. Additionally, the associated highway and infrastructure expansion is planned to displace manufactured housing units. The most recent sale of two adjacent MHCs – Rays and Engleside, which include 120 manufactured homes – demonstrates both the high land value and the resulting vulnerability of the affordability facing these communities, with pad sites traded at \$200,000 each, or \$24 million in total.

The MHCs across the county have different characteristics, zoning and tax classifications, and widely varying physical conditions. Five of the eight MHCs are non-conforming for zoning, as the MHCs are located on sites zoned and may develop as a matter-of-right for commercial and industrial uses, as has happened to other, former MHCs in the past. Three are planned for redevelopment into higher density development. Vulnerability to flooding and climate-related challenges, antiquated sewer, water, and electrical systems, and poor road, pedestrian and recreation facilities are common among the parks. In addition, many parks have large numbers of units in substandard conditions and need to be replaced, including nearly 300 homes that were manufactured in 1976 or earlier. Finally, most residents of the MHCs in Fairfax County have low incomes and are unable to compete for other housing options.

While people choose to live in MHCs for a wide variety of reasons, Fairfax County’s MHCs primarily serve as critical sources of affordable housing, largely for working families. However, these residents face many challenges and pressures including but not limited to the cost of land, the fear of displacement, the substandard condition of their homes, associated health and safety issues, and access to credit and traditional homeownership options. With the high cost of land, there are also redevelopment and gentrification pressures in several of the parks, as well as flooding issues, especially for two of the parks, Harmony Place and Audubon Estates. Residents also face nonconformity issues of their homes with current ordinances and regulations such as the Zoning Ordinance and floodplain regulations, due to changes in those ordinances over time.

Understanding and responding to the diverse challenges, needs, goals, and aspirations of residents is imperative to preserve the affordable housing opportunities that exist in MHCs. The challenges faced by the families living in MHCs require a new approach grounded in the principles of racial and social equity and characterized by encouraging residents to have more control over their housing and their economic future. To that end, Fairfax County has invested an unprecedented level of effort into understanding and responding to the needs of the MHCs. In 2021, the Fairfax County Board of Supervisors convened its Affordable Housing Preservation Task Force, which identified manufactured housing as an essential source of housing affordability in our community. At the recommendation of the preservation task force, the Board

⁵ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](https://arcgis.com).

then convened a Manufactured Housing Task Force (MHTF), inclusive of representatives of the ownership and residents of the county’s MHCs, to develop a plan to preserve the communities.

The work of the Fairfax County MHTF appears throughout this application and serves as the underpinning of the county’s approach to preserving the affordable housing opportunities that exist in these eight unique communities. The PRICE grant would accelerate services to these communities, furthering affordable housing preservation goals in Fairfax County, and implementing the recommendations of the county’s MHTF through the lens of racial and social equity.

Is your project within or does it include any communities that meet Distress Criteria?

Residents of the Manufactured Housing Communities (MHCs) in Fairfax County generally have lower incomes and higher poverty rates than other county residents. Data as defined by these distress criteria are presented at the larger scale (Census Block Group or Census Tract), which may dilute the conditions of the MHCs, especially in Fairfax County, which has a notably high cost of living and associated higher incomes overall. At the Census Block Group level, the communities meet the following distress criteria as defined in 12 CFR 1805.201 (b)(3)(ii)(D):

Table 1: Distress Criteria

MHC Name Address Census Tract & Group	Percent Population living in poverty (20%+) ⁶	Median Family Income (<\$123,760) ⁷	Un-employment Rate (>5.7%) ⁸	Low Income composition compared to US population ⁹
Audubon Estates , 7930 Audubon Ave, Alexandria, VA 22306	(14.5%)	Distressed (\$54,295)	(4.8%)	Distressed 73 rd percentile
Harmony Place 8018 Richmond Highway, Alexandria, VA 22306	(14.5%)	Distressed (\$54,295)	(4.8%)	Distressed 73 rd percentile
Engleside Mobile Home Park , 8500 Greenleaf Street, Alexandria, VA 22309	(11.4%)	Distressed (\$70,625)	(1.6%)	Distressed 75 th percentile
Rays Mobile Home Colony , 106 Denfield Dr, Alexandria, VA 22309	(11.4%)	Distressed (\$70,625)	(1.6%)	Distressed 75 th percentile
Penn Daw Terrace , 6240 Shields Ave, Alexandria, VA 22303	(4.1%)	Distressed (\$111,500)	(3.1%)	34 th percentile
Woodley Hill Estates , 2800-3008 Camellia Dr Alexandria, VA 22306	(18.6%)	Distressed (\$103,017)	(3.8%)	45 th percentile
Waples Mill Estates , 4308 Mobile Ct Fairfax, VA 22030	(4.6%)	(\$128,885)	(3.6%)	28 th percentile

⁶ **Criteria:** Percent of population living in poverty is at least 20%.

⁷ **Criteria:** Within a Metropolitan Area, the median family income shall be at or below 80% of the Metropolitan Area median family income or national Metropolitan area family income, whichever is greater. Median HH income for the Washington-Arlington-Alexandria MSA as of 2024 HUD Income is \$154,700. 80% of that is \$123,760.

⁸ **Criteria:** Areas with an unemployment rate at least 1.5 times the national unemployment rate. The National Unemployment Rate is 3.8% as of March 2024. 1.5 times that rate is 5.7%.

⁹ Percentiles are based on comparison to the United States population. (Higher # = higher vulnerability). Based on [US EPA EJ Screen](#).


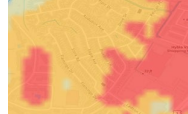




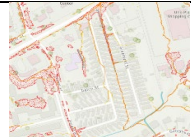






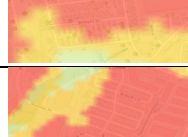
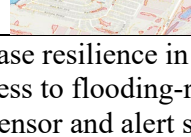
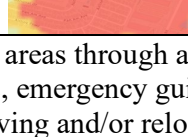
MHC Name Address Census Tract & Group	Percent Population living in poverty (20%+) ⁶	Median Family Income (<\$123,760) ⁷	Un-employment Rate (>5.7%) ⁸	Low Income composition compared to US population ⁹
Meadows of Chantilly , 4200 Airline Parkway, Chantilly, VA 20151	(7.4%)	Distressed (\$60,329)	Data unavailable	Distressed 92 nd percentile

Recently, a survey of the Harmony Place MHC was completed to better understand the living conditions and experiences of the residents. The survey provides a more refined understanding than the Census Tract. Harmony Place MHC is home to 84 households. Many Harmony Place residents have lived in the community for 10 years or more, and all are concerned about displacement due to the widening of Richmond Highway to accommodate the BRT. Recently, residents’ concerns were heightened due to news of the recent sale of the park. In addition to fear of displacement, residents are negatively affected by environmental and infrastructure issues. Two-thirds of the site is located in a flood plain, and years of deferred maintenance by the former park owner have contributed to deteriorating conditions within the park. A total of 62% of the resident households reported that they were “cost burdened,” paying more than 30% of their income for their pad rents.

Does your proposal increase resilience in any disaster-prone areas?

As detailed thoroughly in *Exhibit D: Soundness of Approach, Subfactor (b)(iii): Environment and Resilience*, two of the oldest MHCs in Fairfax County, Harmony Place and Audubon Estates, are directly within Federal Emergency Management Agency (FEMA) 100-year and 500-year floodplains and are severely flood-prone, although they are not designated as FEMA “Community Disaster Resilience Zones.” Swift water rescues, evacuations, and hospitalizations of residents of these communities have occurred during severe flooding events. Fairfax County is increasingly vulnerable to hazards such as flooding, severe storms, and heat. These hazards are being measurably exacerbated by both climate change and urbanization. Fairfax County’s MHCs are disproportionately vulnerable to these hazards due to physical location, reliance on lower-quality infrastructure, lower financial capacity, lower rates of health insurance, higher dependence on electrical medical devices, and lower English proficiency, which can limit access to warnings and guidance, and disproportionate employment in outdoor professions exposed to the elements, among other factors. Detailed data on climate vulnerabilities and projections in Fairfax County can be found in the [Climate Vulnerability and Risk Assessment](#), [Resilient Fairfax Interactive Map Viewer](#), [Resilience Dashboard](#), and [Climate Projections Report](#). A table summarizing climate vulnerabilities for the eight MHCs can be found below. The map views are from the [Resilient Fairfax Interactive Map Viewer](#).

Table 2: Summary of Mappable Hazard Vulnerabilities

Name Address	Flood Maps	Flood-Prone?	Heat Map	Avg. Land Temp ¹⁰	Medically reliant on power ¹¹
Audubon Estates 7930 Audubon Ave Alexandria, VA 22306		FEMA floodplain		99.2	136 people (in zip code)
Harmony Place Mobile Home Park 8018 Richmond Hwy. Alexandria, VA 22306		FEMA floodplain		98.2	136 people (in zip code)
Engleside Mobile Home Park 8500 Greenleaf Street, Alexandria, VA 22309		Urban flooding risk		100.4	107 people (in zip code)
Rays Mobile Home Colony 106 Denfield Dr Alexandria, VA 22309		Urban flooding risk		105.6	107 people (in zip code)
Penn Daw Terrace 6240 Shields Ave Alexandria, VA 22303		Urban flooding risk		99.9	43 people (in zip code)
Woodley Hill Estates 2800-3008 Camellia Dr Alexandria, VA 22306		Urban flooding risk		101.9	136 people (in zip code)
Waples Mill Estates 4308 Mobile Ct Fairfax, VA 22030		Urban flooding risk		102.8	215 people (in zip code)
Meadows of Chantilly 4200 Airline Parkway, Chantilly, VA 20151		FEMA floodplain; sumps		104.0	83 people (in zip code)

This proposal would increase resilience in disaster-prone areas through a menu of options that can include: enhanced access to flooding-related services, emergency guidance, elevation of critical equipment, flood sensor and alert systems, improving and/or relocating flood-prone structures, coordinating with utilities for power resilience, replacing pre-1976 structures with modern wind-resilient structures, cool pavements and/or resilient shade tree plantings, and planning for larger capital improvements such as stormwater infrastructure upgrades, among other options. Additional details on resilience components of this proposal, including

¹⁰ Average land surface temperatures during summers 2013-2020 via satellite. [Resilient Fairfax Map Viewer](#).

¹¹ Data on the number of Medicare beneficiaries who are medically reliant on electrical equipment (for whom power outages can be life-threatening) are available by zip code from the HHS here: <https://empowerprogram.hhs.gov/empowermap>

descriptions of each hazard and how this proposal seeks to address these vulnerabilities can be found in *Exhibit D: Soundness of Approach: Subfactor (b) (iii): Environment and Resilience*.

What are the barriers to manufactured housing preservation or revitalization in your project area?

A wide variety of barriers impede the successful preservation or revitalization of MHCs in Fairfax County:

Land values: Fairfax County, located just outside Washington, DC, has one of the highest costs of living in the nation. The high cost and low availability of land, slow pace of new housing development, and high demand puts our market out of reach for most low- and moderate-income (LMI) working families. The manufactured housing parks in the county serve as a crucial source of affordable, accessible housing for such families. However, the most recent sale of a manufactured housing community traded at \$200,000 per pad site – a total of approximately \$24 million. This is well out of reach for residents wishing to purchase and preserve their communities as affordable housing. These land prices are also beyond the means of Fairfax County’s robust affordable housing development industry to finance and compete with for-profit market developers positioning themselves for eventual redevelopment of the properties.

Constitutional authority: Virginia is a *Dillon Rule* state, meaning the local governments have only that authority which is specifically delegated to them by the General Assembly. In the case of MHCs, the enabling authority provides very limited opportunities for residents, localities, and affordable housing developers to intervene in a sale. MHC owners are only required to provide residents with 60-day notice when they accept an offer to purchase their property. Residents may submit a competing offer within the 60-day notice. State law only requires owners to “consider” such counteroffers, and there is no right of first refusal for localities or residents. Fairfax County has very recent experience with these limitations in the sales of both Harmony Place and Rays and Engleside MHCs. In the case of Harmony Place, the Fairfax County Redevelopment and Housing Authority (FCRHA), Catholics for Housing, and Tenants and Workers United (TWU) worked on behalf of the residents to submit a counteroffer when notified of the impending sale. The seller received the offer, “considered” it as required by law, and moved forward with the sale to a new owner. Had there been an enforceable right of first refusal, the residents might have been able to gain control of the property under their homes and preserve their community as committed affordable housing.

Lack of resident organization/self-governance/economic capacity: For many years, the remaining MHCs in Fairfax County were an afterthought relative to housing affordability. As a result, the county did not invest substantial effort in understanding and responding to the needs of residents in these communities. While the value the county places on these communities as affordable housing has changed dramatically in the last five years, the residents are only beginning to build the governance and infrastructure necessary to play a role in preserving their homes. TWU and Fairfax County have invested significant resources in understanding the needs of these communities and assisting the residents in organizing. However, the residents’ ability to understand and respond to the market pressures on the MHCs remains very limited.

The lack of available capital for residents to make competitive offers for their communities when they go up for sale is also a major barrier. In the case of the sale of Harmony Place, the county was able to assemble the approximately \$8 million necessary to make a counteroffer – about \$87,000 per pad. However, the county was unable to assist the residents in putting together the

funds to make a competitive offer for Rays and Engleside MHCs at a total of \$24 million, or \$200,000 per pad, as mentioned previously.

From a fair housing standpoint, the residents of Fairfax County's MHCs are largely low-income, linguistically isolated Latino families as discussed in ***Exhibit D Subfactor (b)(i): Project Description, Management, and Impact***. Homeownership comes with the responsibility of maintaining the home in a safe and healthy manner in addition to paying off loans and making monthly pad rental payments. These obligations can create hardships if owners have limited funds and need to balance competing demands for other necessities such as food, childcare, or healthcare. Often home maintenance becomes a lower priority, which can lead to regulatory/code non-compliance or safety issues that need to be addressed. MHCs residents are hardworking contributors to the local economy and are disproportionately impacted by the sale and potential redevelopment of these properties, as well as the multiple costs associated with owning a unit, renting the pad, and maintenance expenses.

EXHIBIT D: SOUNDNESS OF APPROACH (Maximum 50 points)

i. Subfactor (b)(i): Project Description, Management, and Impact (10 points)

What are your vision and goals?

Fairfax County envisions the PRICE Main grant will unlock the potential of residents within the county's eight MHCs in partnership with community owners, non-profit organizations, and Fairfax County government to preserve affordability, improve conditions, and empower voices of these communities, recognizing that all residents of these communities should have an equitable opportunity for success. This vision aligns with the County's goal of no net loss of affordable housing and broader principles of the county's One Fairfax Policy, a racial and social equity policy that is looking intentionally, comprehensively, and systematically at barriers that create gaps in opportunities for residents within the county. The vision is defined by recommendations of the county's Manufactured Housing Task Force (MHTF), which were accepted by the county's Board of Supervisors in 2021 but have lacked the resources necessary to fully implement. The MHTF, which intentionally brought together MHC residents, community owners, affordable housing advocates, and representatives of the county's planning commission and the Fairfax County Redevelopment and Housing Authority, were guided by the following goals, which would apply to the PRICE grant activities:

- *Preserve, through a variety of means, the affordability of manufactured housing units and communities recognizing that each faces unique circumstances and will require a tailored approach;*
- *Provide residents the opportunity to fully participate in and benefit from life in Fairfax County, including the policy decisions that directly impact their housing stability; and,*
- *Provide residents the opportunity to learn about their rights and limitations and provide community owners the opportunity to understand their responsibilities under the law.*

The MHTF identified actionable policy, procedural and regulatory improvements, which would be implemented through the PRICE Main grant.

This grant would be beneficial in serving these communities, furthering affordable housing preservation goals in Fairfax County, and implementing the recommendations of the MHTF. If awarded, funding would be used for the purposes of rehabilitation and replacement of existing units, infrastructure improvements, planning activities, resident and community services, resilience activities, and providing other assistance to manufactured housing tenants and homesite renters for land and site acquisition.

Description of MHC Sites

There are approximately 1,750 manufactured homes in Fairfax County within eight MHCs. Six of the eight MHCs are located along the Richmond Highway corridor (Penn Daw Terrace, Woodley Hill Estates, Audubon Estates, Harmony Place, Engleside Mobile Home Park, and Rays Mobile Home Colony). The MHC are both family-owned and owned by national organizations. MHCs owners participated in the MHTF, and it is the intent of Fairfax County to continue to work with and collaborate with MHC owners on the activities described in the grant application. Many of the activities are dependent on the cooperation and agreement of the MHC owners.

Figure 2: Audubon Estates with Floodplain



Audubon Estates is the largest MHC in the Fairfax County and located in Hybla Valley along Richmond Highway. **Number (No.) of Units:** 700. **Size:** 83.7 acres (ac.). **Address:** 7930 Audubon Ave, Alexandria, VA 22306. **Age:** Operating since at least 1972. **Ownership:** It is currently owned by Hometown Audubon LLC, based in Chicago, IL. **Flooding exposure:** There are an estimated 165 structures in the floodplain (see Figure 3). **Demographic and socioeconomic:**

Compared to the United States population, this site is in the 92nd percentile for people of color, 73rd percentile for low income, and 88th percentile for Limited English Speaking. The park is in Census Tract 4215, which is predominantly Hispanic or Latino (54%), Black or African American (29%), and Asian (12%). Audubon Estates is a documented area of “Very High” Vulnerability with approximately 71% of the population having low educational attainment, 22% severely rent burdened households, and 67% in low-income occupations.¹²

Figure 3: Harmony Place with Floodplain



Harmony Place Trailer Park is a long-standing MHC in the Richmond Highway corridor adjacent to Audubon Estates: **Address:** 8018 Richmond Highway, Alexandria, VA 22306. **No. of Units:** 91. **Size:** 5.26 ac. **Age:** Operating since at least 1953. **Ownership:** The community recently underwent an ownership change in 2021 when it was purchased by SRP Alexandria LLC. **Flooding exposure:** There are an estimated 61 structures in the floodplain (see Figure 4). **Demographic**

and socioeconomic: According to a survey of Harmony Place residents by Northern Virginia Affordable Housing Alliance (NVAHA) and Tenants and Workers United (TWU)²⁰, 93% of respondents identify as Hispanic or Latino. Most Harmony Place residents are long-term residents, with 56.6% having lived in Harmony Place for 5 or more years, and 33% for more than 10 years. Most residents own their homes and rent the pads, although many (39.47%) lack a written lease agreement. At least 62.12% of survey respondents are housing cost-burdened, and more than half were unable to pay for necessities. The residents’ top concerns include high cost of housing, quality of streets, displacement, and flooding. Harmony Place is also located within Census Tract 4215 which is also predominantly Hispanic or Latino (54%), Black or African American (29%), and Asian (12%).

¹² Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](https://www.fairfaxcounty.gov/arcgis/index.html).

Engleside Mobile Home Park and Rays Mobile Home Colony are adjacent MHCs in the Richmond Highway Corridor. **Address:** 8500 Greenleaf Street (Engleside) and 106 Denfield Drive (Rays), Alexandria, VA 22309 **No. of Units:** 120. **Size:** 4.25 ac. (Engleside) and 4.23 ac. (Rays). **Age:** Operating since at least 1945 (Engleside) and 1961 (Rays). **Ownership:** (For both): Alexandria MHP, LLC (California). **Demographic and socioeconomic:** These MHCs are located in Census Tract 4160, which is characterized by Hispanic or Latino (25%), Black or African American (26%), and Asian (11%). The Census Tract is a documented area of “Very High” Vulnerability with approximately 52% of the population having low educational attainment, 32% severely rent burdened households, and 44% in low-income occupations. ¹³

Penn Daw Terrace. **Address:** 6240 Shields Ave, Alexandria, VA 22303. **No. of Units:** 90. **Size:** 8.02 ac. **Age:** Operating since at least 1957. **Ownership:** Bradley-Epps Lisa Marie Trust. **Demographic and socioeconomic:** This MHC is located in Census Tract 4151, which is characterized by Hispanic or Latino (23%), Black or African American (9%), and Asian (6%). The Census Tract is a documented area of “Low” Vulnerability with approximately 40% of the population having low educational attainment, 32% severely rent burdened households, and 33% in low-income occupations. ¹⁴

Woodley Hills Estates. **Address:** 2800-3008 Camellia Dr., Alexandria VA 22306. **No. of Units:** 115. **Size:** 13.8 ac. **Age:** Operating since 1991. **Ownership:** Fairfax County Redevelopment and Housing Authority. **Demographic and socioeconomic:** This MHC is located in Census Tract 4154.01, which is characterized by Hispanic or Latino (33%), Black or African American (35%), and Asian (11%). The Census Tract is a documented area of “Very High” Vulnerability with approximately 74% of the population having low educational attainment, 56% severely rent burdened households, and 63% in low-income occupations. ¹⁵

Waples Mill Estates. **Address:** 4308 Mobile Ct., Fairfax, VA 22030. **Size:** 25.6 ac. **Age:** Operating since at least 1960. **No. of Units:** 152. **Ownership:** Waples Project LP. **Demographic and socioeconomic:** This MHC is located in Census Tract 4406, which is characterized by Hispanic or Latino (22%), Black or African American (5%), and Asian (26%). The Census Tract is a documented area of “Average” Vulnerability with approximately 40% of the population having low educational attainment, 58% severely rent burdened households, and 32% in low-income occupations. ¹⁶

Meadows of Chantilly. **Address:** 4200 Airline Parkway, Chantilly VA 20151. **No. of Units:** 490. **Size:** 81.1 ac. **Age:** Operating since at least 1970. **Ownership:** MHC Meadows of Chantilly LLC. **Demographic and socioeconomic:** This MHC is located in Census Tract 4901.04, which is characterized by Hispanic or Latino (44%), Black or African American (4%), and Asian (13%). The Census Tract is a documented area of “High” Vulnerability with approximately 58%

¹³ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

¹⁴ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

¹⁵ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

¹⁶ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](#).

of the population having low educational attainment, 14% severely rent burdened households, and 50% in low-income occupations.¹⁷

Which eligible activities will you use to address the need(s) described in Factor (a)?

Each PRICE activity proposed will meet a CDBG national objective pursuant to Section 101(c) of the Housing and Community Development Act of 1974 by benefiting low- to moderate-income (LMI) households and meeting an urgent need. The activities that the county would undertake are divided into six main focus areas: understanding community needs and preserving and revitalization of MHCs through repair, rehabilitation, and replacement of units; assessing and improving infrastructure; development activities; resilience and mitigation activities; housing and voluntary supportive service activities to benefit new and existing MHC residents; and planning and regulatory activities to preserve and enhance neighborhood livability within MHCs. These focus areas will be designed to maximize access to homeownership by participants of color and those currently owning manufactured homes.

1. Understanding Community Needs; Preserving and Revitalizing Communities:

The following activities will be supported by the PRICE Main funds to provide a range of services to assist MHCs residents in stabilizing their housing and becoming more economically empowered.

1.1 Community Surveys and Affordability Analyses

The PRICE Main funds will be used to develop and conduct community surveys to gather information about the challenges and potential improvements in each manufactured housing community as defined by the residents and owners, building off the previously conducted survey of the Harmony Place. The surveys may seek concerns about the on-site maintenance and the condition of the units within the site. The survey may also indicate improvements needed to individual units and infrastructure improvements needed in the community at large. Further, the survey may be used to gather resilience-related information, including both specific site vulnerabilities and feedback on which resilience-related strategies (i.e., flood risk reduction and heat risk reduction options) that the community may support. Using PRICE funds, Fairfax County will survey the MHCs, staggered in a cycle. Surveys will be conducted with the assistance of community partners and driven by community residents. The resulting data will be analyzed and shared with the community, community owners, and policymakers, including the county’s Board of Supervisors.

In addition, the grant will be used for bi-annual analyses to identify the affordability levels of the MHCs and measure changes over time. The survey will use data analysis and an equity lens to proactively and intentionally determine the affordability of the MHCs to LMI households (households with incomes at 60% AMI and below). If an MHC is being considered for redevelopment, the data also can be used toward an “affordability analysis” to be conducted as part of the entitlement process to identify communities/households that may be adversely impacted by the redevelopment and possible means to mitigate those impacts.

1.2 Grant/Loan Programs for Home Improvements, Rehabilitation, and Replacement

¹⁷ Fairfax County Vulnerability Index Map (2016-2020). 2024. [Vulnerability Index Map \(2016-2020\) \(arcgis.com\)](https://arcgis.com).

Using PRICE Main competition funds, the Fairfax County Redevelopment and Housing Authority (FCRHA) will initiate a grant program for owners of manufactured homes to address critical maintenance issues in their homes. The grant funding could be used, for example, for electrical and plumbing upgrades and repairs or for safety improvements. The program is envisioned to start as a pilot for the Harmony Place residents and be operated by a nonprofit organization with experience in providing single-family repair services and expand throughout the other seven MHCs. Projects will benefit households with income at or below 60 percent of the area medium income as defined by the U.S. Department of Housing and Community Development (HUD) for the Washington, DC Metropolitan Area.

A loan program is also envisioned to be established and administered through the FCRHA for the complete replacement of units. At least 230 units across the county were built prior to 1976, and more than 500 are over 40 years old. Coupled with the damage caused by poor or limited maintenance and environmental hazards, such as flooding, a greater number of units will need to be replaced. Using PRICE Main funds, the county will establish a loan program to replace units that were either constructed prior to 1976 or where deteriorated conditions warrant replacement rather than rehabilitation. The loan program could be modeled on previous homebuyer and home improvement programs implemented by the county, which a) provided a pathway to affordable homeownership for LMI households, and b) helped LMI families make the repairs they needed to stay in their homes.

Additionally, county government staff may, as appropriate, assist MHC residents in applying for and obtaining grant funding for resilience-related needs. This may include assistance in accessing funding from the Flood Mitigation Assistance Program (FMAP), which is administered by the Northern Virginia Soil and Water Conservation District (NVSWCD). The FMAP program provides reimbursements up to \$5,000 for small flood-proofing measures such as sump pumps, elevation of equipment, and flood-resilient materials.

2. Infrastructure Improvements:

2.1 Community Infrastructure Conditions Assessment

Underinvestment in infrastructure is a critical threat to some MHCs in Fairfax County. The infrastructure systems in many MHCs date back decades, and sewer, water, stormwater, and electrical systems are often beyond their anticipated useful life. In addition, some of the existing MHC are partially located within a mapped floodplain. There is a recognized need to provide long term investment in community infrastructure to ensure health and safety of the residents.

Similar to recent work at Harmony Place, Fairfax County and the FCRHA, in cooperative working relationships with property owners, will use PRICE Main grant funds to contract with a qualified firm with expertise in review of site, floodplain and utility conditions. The purpose of this work will be to provide an overall infrastructure assessment of the eight identified MHCs and the common area improvements needed for each community to promote health, safety, and welfare for residents in each community with a focus on livability and accessibility. Many of these utilities are in easements and may have public rights to access. The condition assessments will also provide an estimated cost for the types of repairs needed to help gauge the potential financial resources that may be required. The work will leverage existing and prior conditions assessments, such as the 2021 Harmony Place site and infrastructure assessment conducted.

Inspections may also include a general assessment of the exterior condition of units within the

community as a way to assess overall financial viability. The community surveys (described in focus area 1), will include resident concerns with the maintenance provided by the MHC owner and the condition of the units within the site. The survey may also be an opportunity for residents to voluntarily indicate areas of improvement for individual units and the community. A template for how this may be for all of the communities was recently completed for the Harmony Place community, as stated previously.

2.2 Support for MHC Owners for Infrastructure Improvements

Using PRICE Main grant funds, the county through the FCRHA will explore providing financial support to owners of MHC to make infrastructure and other critical improvements to their properties. Such support will be in the form of a loan from the FCRHA, in a manner similar to the FCRHA's work with affordable housing developers. The loans will be dependent on the owner providing affordability guarantees and a right of first refusal for the residents or the FCRHA to purchase the property in the event it is sold. Fairfax County should also maintain a comprehensive list of financial support from all sources, including from the state and local government. The FCRHA will also provide educational and technical support in the form of understanding code requirements and regulations for manufactured housing as addressed in a subsequent section – Code Compliance and Community Quality.

3. Manufactured Housing Development Activities:

3.1 Support Community Residents and/or Partners in Acquiring Communities; Community Land Trusts

With the high land values in the county, MHCs have experienced sales and potential redevelopment plans. If these move forward, residents may face rent increases or losing their manufactured homes, when the home cannot be relocated, and their communities. Losing their community has a high social and economic impact on residents. Using the PRICE Main grant as a source of acquisition capital, residents may have access to funding to assist in purchasing the land under their homes and participate in management of the park. As an example, although unsuccessful in the purchase, the efforts by the residents of Harmony Place, Tenants and Workers United, Catholics for Housing, the FCRHA, and Fairfax County in 2021 provide a template for assisting residents of MHCs in purchasing the land under their homes. The Harmony Place experience could be used as a model in future situations where a property is for sale and the residents would like to organize and make an offer to purchase. The county encourages nonprofit organizations to engage and collaborate with residents of MHCs. Other creative models that may be considered include the use of Community Land Trusts for the preservation of the MHCs, redeveloping MHCs with affordable replacement housing, and the creation of affordable homeownership opportunities.

4. Mitigation and Resilience Activities

As detailed in *Exhibit D: Soundness of Approach: Subfactor (b)(iii) Environment and Resilience*, PRICE funds may be used to enhance resilience to flooding, severe storms, and heat.

4.1 Flood Resilience Activities

Flood resilience options include flood sensors and warning systems; flood-resilience education, resources and contacts; expanded access to assistance navigating flooding-related services such as the Flood Mitigation Assistance Program (FMAP) and Conservation Assistance Program (CAP); elevation of critical equipment above base flood elevation; replacement of flood-

damaged units erected prior to 1976; removal of debris and other stormwater blockages; and upgrades using flood-resilient materials. Additionally, the grant may be used towards studies and analyses to plan for larger-scale capital improvements, potential land acquisition, or elevation or relocation of units to reduce flood risk.

4.2 Wind and Storm Resilience Activities

The PRICE Main grant may be used for wind and storm resilience options include utility coordination with Dominion Energy for power resilience upgrades; storm-related emergency preparedness resources and guidance; small back-up power sources for those who are medically reliant on electric devices; and replacement of pre-1976 units with modern units that meet modern wind resilience standards. Additionally, planning and analyses for larger-scale future improvements may include planning for possible storm shelters or tornado rooms.

4.3 Heat Resilience Activities

Heat resilience options include enhanced access to heat services such as cooling assistance and cooling centers, heat emergency contacts and guidance; tree plantings; energy efficiency upgrades; and cool pavers, as detailed in *Exhibit D. Subfactor (b)(iii)*.

5. Housing and voluntary supportive service activities that support new and existing residents of MHCs:

5.1 Early Warning for Households at Risk of Facing Eviction Due to Non-Payment of Rent

The PRICE Main grant can be used to create an early warning system for households at risk of eviction due to non-payment of rent. The warning system will proactively create outreach channels to manufactured housing park owners to inquire about delinquencies and connect landlords and tenants to the county's Department of Neighborhood and Community Services (NCS) programs and services such as Eviction Prevention Program and Economic Mobility Partners before an eviction action is filed against them. Similarly, using the system, landlords can proactively contact the aforementioned NCS programs to alert them to delinquencies before filing any eviction action.

5.2 Management Practices

Management practices vary among the MHC in the county. Some MHCs continue to face challenges, such as fear of retaliatory actions against residents who raise concerns. The county, in consultation with all stakeholders, will use the PRICE grant to create guidelines for standards of conduct based on best practices for MHC management.

5.3 Relocation and Downpayment Assistance

Current laws provide limited compensation for assistance for relocation expenses. Through the PRICE Main, relocation and downpayment assistance may be offered for payments and assistance to displaced residents, such as those who are projected to be displaced by the upcoming Richmond Highway and BRT road improvements, and those residents who may wish to be relocated within the sites to reduce flooding risk. Assistance may include providing relocation advisory services, temporary and/or permanent relocation assistance, paying applicable costs to relocate eligible MHC residents into more traditional forms of homeownership with long-term affordability.

6. Planning and Regulatory Activities Around Manufactured Housing Residents and

MHCs:

6.1 Comprehensive Plan and Zoning Ordinance Amendments

Increasing land values in Fairfax County can make MHCs targets for rent increases and redevelopment. Some MHCs do not meet current ordinances and regulations such as the Zoning Ordinance or floodplain regulations. The PRICE Main grant can be used to support comprehensive plan and zoning ordinance amendment activities, especially community engagement activities, to better address the needs of the MHCs. The grant may be used to consider amendments to the current Comprehensive Plan to consider incorporating the county's commitment to maintaining and improving the quality of MHCs as sources of affordable housing or, if redevelopment is planned, strategies for achieving the goal of no net loss of the affordability of units through replacement options and other county incentives.

Similarly, updating the county's Zoning Ordinance may be considered through the PRICE grant as a means to assist in maintaining the viability of such communities. The existing MHCs were established under prior Zoning Ordinances and are nonconforming either because they are zoned to a commercial or industrial district, where manufactured home parks are not permitted, or, if zoned to the R-MHP (Residential, Manufactured Home Park) District, do not meet the R-MHP minimum district size (15 acres), open space (20 percent of the gross area), setbacks between units or because they exceed the maximum density (6 du/ac). In addition, some of the existing MHCs are located partially within mapped floodplains. The grant may be used to consider amendments to the current R-MHP Zoning District to review setback requirements and to address the nonconforming status of these "legacy" communities, such as providing opportunities to permit the construction of porches, decks and other accessory structures, or creating a special exception process for MHCs to address the regulatory issues.

6.2 Review of the Code Requirements and Regulations for Manufactured Housing Communities

A clear understanding of all the federal, state, and local governing codes and regulations is required to truly understand the applicability of each to MHCs. The PRICE Main grant will be used to conduct a comprehensive review of the applicable codes and regulations at the local, state, and federal level to understand the code requirements, enforcement mechanisms, responsible parties, and complaint processes for both manufactured homes and MHCs. Initiatives and best practices by other local communities on code and enforcement for the construction, location, installation, use and maintenance of manufactured homes also may be studied.

From this review, a comprehensive list of codes, regulations, and resources for MHCs at the local, state, and federal levels can be made available to manufactured homeowners, tenants, and MHC owners. Additional informational and educational materials on regulatory policy and procedures for manufactured home property/site owners, unit owners, and renters can be developed and included at outreach and education at community meetings and events. It is important to determine the condition of the MHCs and develop a menu of the most common code violations, needed repairs and associated costs.

6.4 Resolving Code Violations and Creating a Reserve Fund for Compliance Support

There are known code violations at MHCs that are currently being processed by the county's Department of Code Compliance. County agencies will work collaboratively with each other and with property owners to help resolve these violations, especially for issues that are a threat to

health and safety. The PRICE Main grant may be used to develop an informed reserve fund based upon the current stock of manufactured homes in the county, the most common code violations, needed repairs, and associated costs. The funds may be used to assist with resolution of the issues, similar to the grant/loan program discussed for home improvements in focus area 1.2. Staff will develop procedures for allocating funds including communications on funding availability and the method for obtaining and using the funds.

What is your timeline and key tasks along that timeline?

Key Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Understanding Community Needs; Preserving and Revitalizing Communities:						
1.1 Community Surveys and Affordability Analyses	X	X	X	X	X	X
1.2 Home Improvements, Rehabilitation, and Replacement Programs	X	X	X	X		
2. Infrastructure Improvements						
2.1 Conditions Assessment	X	X	X	X		
2.2 MHC Improvements	X	X	X	X	X	X
3. Development Activities						
3.1 Land Acquisition; CLTs	X	X	X	X	X	X
4. Mitigation and Resilience Activities						
4.1 Flood Resilience Activities, such as: flood-proofing funding, flood service improvements, and aid; guidance and education; sensors and warning systems; elevation of critical equipment and units; flood resilient materials and replacements; and planning and analysis for capital projects and acquisition	X	X	X	X	X	X
4.2 Wind Resilience Activities, such as: utility coordination for power resilience; wind-resilient materials; education and guidance; and planning for storm shelters	X	X	X	X	X	X
4.3 Heat Resilience Activities, such as: heat-related services such as Cooling Assistance; guidance on heat-related protocols and Cooling Centers; cool	X	X	X	X	X	X

Key Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
pavements; planting of shade trees; and energy efficiency upgrades						
5. Supportive Services						
5.1 Early Warnings for Households at Risk of Eviction	X	X	X	X	X	X
5.2 Eviction Prevention and Management Practices	X	X	X	X	X	X
5.3 Relocation and Downpayment Assistance	X	X	X	X	X	X
6.Planning and Regulatory Activities						
6.1 Comprehensive Planning and Zoning Ordinance Amendments	X	X	X	X	X	
6.2 Review of Code Requirements and Regulations for MHCs	X	X				
6.3 Code Resolution and Code Compliance Reserve Fund for Code/Utility Compliance Support	X	X	X	X		

The previously outlined activities will have separate and often overlapping timelines. Fairfax County has committed a new Manufactured Housing Coordinator staff position to oversee the body of work and manage the different activities, interagency coordination, and community engagement. The PRICE Main grant can unlock the potential to accomplish the work. There are several priority areas where the work will begin immediately upon funding. For example, the community needs and affordability surveys and conditions assessments are essential to gain an understanding of the needs of residents and to determine conditions of the communities and improvements needed. The results will lay the foundation for other activities. These surveys will involve the support from residents and community partners to design and conduct the work and are estimated to take a few months to set up, distribute, and collect data.

What is your budget?

The budget for the PRICE Main activities described in the grant application is at least approximately \$48,050,000, with the PRICE application requesting \$39,550,000 and \$8,500,000 of match and leverage funds, as detailed in *Exhibit F: Match or Leverage*. The largest portion of the PRICE grant (\$23,950,000) will be used for the “Understanding Community Needs and Preserving and Revitalizing Communities” category. As mentioned in previous sections, over 230 manufactured homes were constructed prior to 1976. A maximum of \$15,000,000 will be spent to replace these homes. The removal and replacement of units may cost up to \$150,000 per unit in Fairfax County because of the level of deterioration and potential need for demolition and removal of the unit, in addition to the cost of the new unit and its installation.

At least an additional 620 homes are 30 years old and built after 1976. Many of these homes have deferred maintenance, are non-conforming with current zoning regulations, and will require financial assistance to complete the improvements. Another \$8,750,000 will be directed toward

rehabilitation of homes. The rehabilitation and replacement work will be supported through revolving community needs surveys to gain information about the scale of the improvements. The survey work is budgeted for \$200,000 to develop and distribute over the period of performance. The county has dedicated nearly \$500,000 of CDBG funds to complement the proposed PRICE amount. Related supportive services including relocation and downpayment assistance involved in such activities as the rehabilitation and replacement work and eviction prevention services, are budgeted for up to \$650,000. Additional planning and regulatory activities are calculated up to \$2,250,000.

A maximum of \$3,000,000 from the PRICE application will be dedicated to infrastructure improvements, which will include both conditions assessments for the MHCs and the improvements. \$10,050,000 will be committed to supporting land acquisition (\$6,500,000), including voluntary buyouts and residents who are seeking to buy their communities, and mitigation and resilience activities (\$3,550,000). Flood mitigation and resilience activities may include expanding access to flooding-related services such as the Flood Mitigation Assistance Program (FMAP) and Conservation Assistance Program (FMAP), flooding guidance and education, flooding warning systems, flood-resilient materials and replacements, and planning and analysis for capital projects and acquisition. Wind Resilience and mitigation activities may include utility coordination for power resilience, wind resilient materials, and planning for storm shelters. Resilience and mitigation activities for heat resilience activities may include expanding access to heat-related services such as cooling assistance and cooling centers, cool pavement and cool roof installations, planting of shade trees, and energy efficiency upgrades.

County staff are prepared to use PRICE Main funding for any of the possible resilience options listed above. Specific options will be selected in coordination with the MHC property owners and residents. PRICE Main is pivotal to implementing the activities outlined in this application. Without PRICE funds, the execution of these activities will be spread over longer timeframes, risking further housing instability and environmental hazard effects for MHC residents.

What are the projected impacts of your activities if implemented?

It is anticipated that a significant number of manufactured housing owners will have their units improved or replaced, and that the affordability that exists in the MHCs will be preserved to the greatest extent possible. Homebuyer resources fund will offer owners of manufactured homes a version of affordable homeownership that affords true wealth-building opportunities. It is anticipated that this will contribute to overcoming the barriers to homeownership faced by people of color in the county.

In addition, local leaders will be better informed of the needs of residents and owners of MHCs, and appropriate resources provided to ensure housing stability and resilience to natural hazards. The county will gain an in-depth understanding of the needs of the residents of MHCs to assist them more effectively with community improvement needs, displacement challenges, and resiliency efforts. The activities will identify and implement to the extent possible solutions to resolve environmental hazards. The process to understanding and address community needs will be centered around the principle that the residents' voice in partnership with the community owner.

On a case-by-case basis, land use policies and regulation may be modified to further support preservation and neighborhood livability within MHCs. The activities will clarify Comprehensive Plan language and update the Zoning Ordinance to help facilitate the

preservation of MHCs and/or their long-term affordability. The compilation of local, state, and federal codes that apply to MHCs, both the units and the sites will increase knowledge about safe and healthy living conditions for the residents and assist unit owners in accessing information and complying with code requirements. Code compliance will enhance resident safety and community quality.

From a climate resilience perspective, the proposed activities would enable the residents of the MHCs to better withstand and “bounce back” from intensifying climatic shocks and stressors including flooding, extreme heat, and severe storms. Most importantly, resilience activities will help to protect the residents from permanent loss of life and possessions. Day-to-day, the resilience improvements will also improve the quality of life and comfort of residents. They will also alleviate the financial burden on residents who may not otherwise be aware of or have access to flood-proofing services, cooling assistance for air conditioning bills, energy efficiency services, and replacement of damaged property. Additionally, boosting the resilience of the MHCs to climate hazards helps to ensure that the MHCs can be preserved as a long-lasting source of affordable housing in the county, rather than being too thoroughly damaged or destroyed over time by intensifying and repeated climate conditions.

ii. Subfactor (b)(ii): Affordability and Equity (15 points)

How will you ensure the availability of affordable manufactured housing options to LMI households?

PRICE grant funding would provide Fairfax County with a targeted pool of funding to assist in providing MHC residents with long-term affordability and stability, and thus helping residents build wealth and financial security. The residents of MHCs are disproportionately LMI households that may face difficulties finding other forms of housing in Fairfax County. Affordability for LMI households residing in MHCs may come in the form of restricted pad rents, resident land ownership, or alternatives to manufactured housing such as more “conventional” affordable homeownership – all depending on the types of opportunities that present themselves in the market.

Restricting the rent for pads to levels that are affordable for residents will ensure continued affordability that is consistent and predictable. When providing financial assistance to a project the FCRHA requires a minimum of 30 years of affordability through a Land Use Restriction Agreement or Ground Lease. The goal for any MHC receiving assistance would be to preserve affordability in perpetuity. The FCRHA also requires Rights of First Refusal on properties that receive support and utilizes these rights to re-negotiate extended affordability beyond the scope of an original agreement. Restricting rents long-term assists residents in wealth-building by providing stability and consistency that likely does not occur when pad rents are market rate. The ability to save money and build wealth depends on having stable housing that is affordable and allows the household room in their budget to achieve financial success.

Ownership of the land that MHC residents would otherwise rent provides another option for long-term affordability and stability, enabling residents to build wealth and achieve financial security. Opportunities to purchase individually or via other means may arise quickly and require funding on-hand to be able to execute. One mechanism that has been contemplated as a potential vehicle for homeownership is the formation of Community Land Trusts when an opportunity to purchase an MHC arises. This solution entails the residents forming a group at the earliest opportunity, with help from Fairfax County, to purchase the land under their homes and

participate in the management of the community. The PRICE grant would provide Fairfax County funding to residents who wish to own the land under their home when an opportunity arises to do so, thereby ensuring self-governance of the property and long-term affordability.

The grant program for home rehabilitation and improvements, anticipated to be piloted first at Harmony Plan, is another vehicle to assisting LMI households within MHCs in achieving improved financial security. Over 500 of the existing manufactured homes in Fairfax County are 40 or more years old, and thus likely require structural improvements that may be costly for residents. Assisting residents with improvements through grants will help alleviate the burden that comes with home repairs. The PRICE grant would fund this important grant program that will help relieve some of the financial burden that comes with owning an aging home.

In Fairfax County, residents of MHCs are disproportionately LMI earners and members of vulnerable populations. Providing targeted funding for MHCs through the PRICE grant enables Fairfax County to support those who are in the greatest need of assistance in building wealth, overcoming historic barriers to services and financial support, and achieving financial security. Relieving rent burden, providing homeownership opportunities, and assisting with costly repairs are important mechanisms of providing such assistance.

What protections will be in place for residents?

The MHCs within Fairfax County, with the exception of Woodley Hills, are privately owned and therefore subject to the rules and regulations put in place by the property owners. Where PRICE grant funding or other FCRHA funding is utilized to purchase MHCs or provide loans to MHC owners, tenant protections will be put in place including commitments to affordability levels and stable increases, as well as a right of first refusal for the residents or the FCRHA to purchase the property in the event it is sold. In the case of the FCRHA purchasing and operating additional MHCs (the FCRHA currently owns Woodley Hills Estates), tenant protections that the FCRHA currently utilizes for its properties will be applied. Various tenant procedures in place by the FCRHA meet or exceed the [Fannie Mae](#) and [Freddie Mac](#) tenant protections. Residents of FCRHA-owned properties are subject to one-year leases, as advised by Fannie Mae and Freddie Mac. Residents have a seven-day grace period for late rent payments, which exceeds this guidance. Additional tenant protections specific to manufactured homes will be applied similarly to the community currently owned by the FCRHA, Woodley Hills Estates. The procedures for tenant leases at Woodley Hills meet or exceed the provisions set forth in the Virginia Manufactured Home [Lot Rental Act](#).

HCD is currently updating the Fairfax County Relocation Guidelines to conform with federal relocation guidelines. The guidelines will include provisions for fair market value that mirror those set by HUD. These relocation guidelines will be applicable to residents of MHCs in the county by informing any Resident Displacement Plans that are created to inform potential displacement due to eminent domain, natural disaster, hazardous conditions or redevelopment.

How does your proposal encourage access to resources and financing, especially for underserved communities and persons?

The Fairfax County Redevelopment and Housing Authority (FCRHA) is the county's local housing finance agency and has decades of experience providing LMI families with access to financing and other resources to secure and maintain affordable homeownership. The PRICE grant will provide Fairfax County and the FCRHA with the resources it needs to better

understand and serve the unique needs and vulnerabilities of the county’s MHC residents. It should be noted that the residents of Fairfax County’s MHCs tend to be low- income households, many of which have both language and educational barriers to economic success.

Surveys will be done in accordance with the methodology used for a community survey done at Harmony Place, which utilized community partners and was driven by community residents. The surveys should include any updates to the methodology based on lessons learned from Harmony Place. This robust community survey will help HCD staff gain an in-depth understanding of needs of the MHC residents. Surveys will seek to gain information that will assist staff in providing resources specific to the needs of the residents and prioritizing assistance based on the greatest needs. Staff will gain a further understanding of population vulnerabilities including disabilities, poverty levels and needs for services including those targeted for transportation, financial assistance, and/or health.

Fairfax County works with a robust array of non-profit groups that may be able to assist in providing necessary services to residents in need. Critically, the county is hiring a dedicated Manufactured Housing Coordinator to provide direct intervention for the needs of the MHCs and their residents and will serve as the manager of programs funded by the PRICE grant.

As a public housing agency (PHA), the FCRHA also has long experience in promoting economic opportunities for low-income households, in furtherance of our obligations under Section 3. The FCRHA is fully compliant with all requirements under Section 3, and along with Fairfax County is committed to providing opportunities for economic advancement to such households. One recent example of the FCRHA’s commitment to promoting economic advancements for its low- and moderate-income residents is its new scholarship program, which provides up to \$5,000 per year for up to ten eligible residents of the FCRHA’s properties.

iii. Subfactor (b)(iii): Environment and Resilience (15 points)

What significant hazards could impact your project site(s)?

The top hazards that impact the project sites are flooding, severe storms and wind, and extreme heat. This section describes those hazards. To reduce duplication, a description of activities to enhance resilience to these hazards is in the next section:

“How will your activities address the current and future threat of natural hazards, extreme weather, and disaster event?” Additional information can also be found in **Exhibit D: Need: Does your proposal increase resilience in any disaster-prone areas?**

Flooding Vulnerabilities:

Flooding is the top climate-related vulnerability in Fairfax County, due to high exposure, high sensitivity, and poor adaptative capacity of populations and infrastructure.¹⁸ Two of the oldest MHCs in Fairfax County, Harmony Place and Audubon Estates, are located directly within Federal Emergency

Figure 4: Harmony Place Flooding July 2019



¹⁸ [Resilient Fairfax – Vulnerability and Risk Assessment \(VRA\) 2022 \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/resilient-fairfax)

Management Agency (FEMA) 100-year and 500-year floodplains and are severely flood-prone. Between these two MHCs, there are an estimated 200 address points and 229 buildings that are within FEMA Special Flood Hazard Area Zone AE, FEMA Zone X, or County Recorded floodplains. This has led to a history of serious flooding issues that required evacuation of multiple residences.



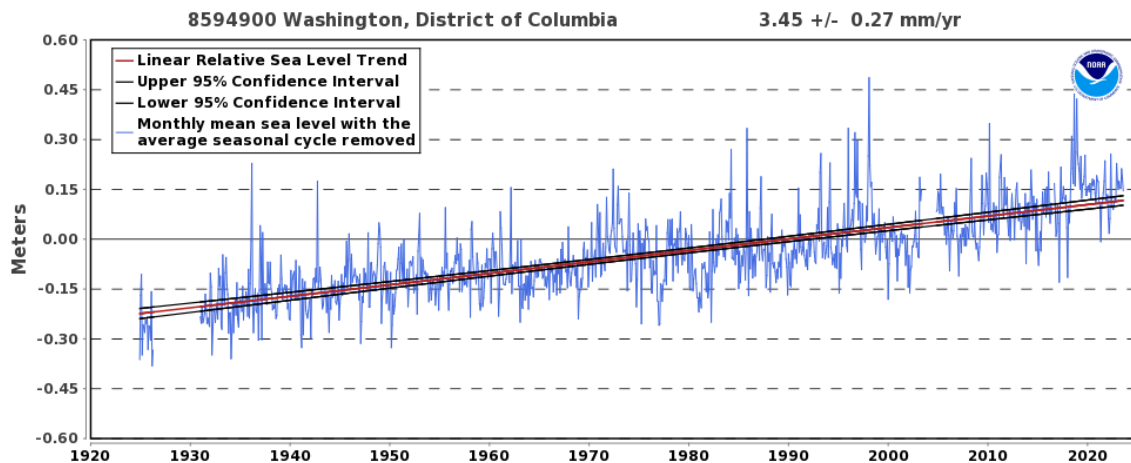
Figure 5: Audubon and Harmony Place MHCs in relation to the floodplain.



Figure 6: Fairfax County Fire and Rescue at Harmony Place July 2019

The flooding issues at Harmony Place and Audubon are projected to worsen. Floodplain flooding is increasing in Fairfax County due to the rise of the Potomac River and associated tidal water bodies, which are affected by sea level. The Potomac River has risen 13.56 inches since 1924.¹⁹ An additional one to three feet of sea level rise is projected by 2050.²⁰

Figure 7: NOAA Washington DC Tide Gauge Measured Sea Level



¹⁹ https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=8594900

²⁰ [Resilient Fairfax - Climate Projections Report \(CPR\) 2022 \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/resilient-fairfax/cpr-2022)

In addition to floodplain or riverine flooding, the county’s MHCs are vulnerable to urban or pluvial flooding. Urban flooding has been increasing over time in Fairfax County due to the increase in precipitation intensity²¹ and urbanization. All eight MHCs have urban flooding vulnerabilities due to factors such as the presence of sumps, excess impervious surface, insufficient stormwater infrastructure, and/or blocked overland relief pathways. These conditions cause flooding-related vulnerabilities such as direct health and safety risks, reduced water quality from contamination, and loss of access to emergency and medical care. Indirect sensitivities include increased water-borne vectors and pathogens, mold exposure, and worsened allergies and asthma. Disproportionate adaptive capacity factors include lower access to adequate and safe stormwater management infrastructure, flood-proofing and safety retrofits, and flood insurance.

The county seeks to mitigate and prevent structural flooding whenever possible. These communities’ proximity to the floodplain makes it challenging to prevent all structural flooding. With this grant, it is possible to make the manufactured homes more resilient while also preserving the availability of affordable housing.

Severe Storm, Wind, and Power Outage Vulnerabilities

Severe storm and wind events are increasing in frequency and intensity in Fairfax County,²² which increases the risk of power outage-related vulnerabilities, storm-related damage to homes and infrastructure, and other direct health and safety risks to residents.²³ Transmission and distribution systems are particularly sensitive to damage from high winds, which can cause power outages and fire risks. In the event of a severe storm or wind event, power outages are more likely to occur in areas with weakened power lines and other electricity infrastructure vulnerabilities, such as those at Harmony Place.

Harmony Place residents have consistently expressed concerns^{24 25} about degraded infrastructure in their neighborhood. A site assessment in November 2021 found deteriorating low-voltage distribution cables, cables running over trailer roofs, and structural weaknesses in meter boards.²⁶ Storm-related power outages exacerbate a range of vulnerabilities for vulnerable populations. The most vulnerable residents are those who rely on electricity-dependent medical equipment (DME) and devices, for whom power outages can be life-threatening. The zip codes that are home to Fairfax County’s MHCs have a total of 584

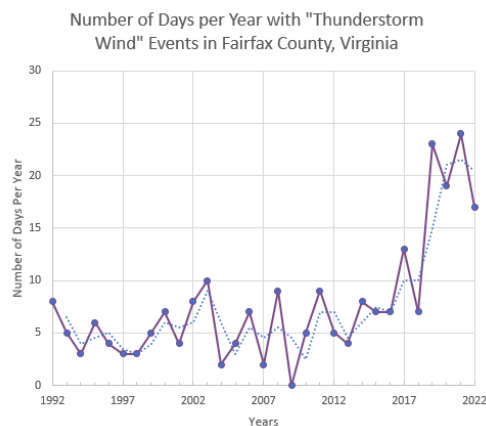


Figure 6: Number of Days with Thunderstorm Wind Events 1992-2023

²¹ [Resilient Fairfax - Climate Projections Report \(CPR\) 2022 \(fairfaxcounty.gov\)](#)

²² [Resilient Fairfax - Climate Projections Report \(CPR\) 2022 \(fairfaxcounty.gov\)](#)

²³ [Resilient Fairfax Vulnerability and Risk Assessment \(VRA\) 2022 \(fairfaxcounty.gov\)](#)

²⁴ [Tenants Press for Repairs by Next Owner of Harmony Place Mobile Home Park \(connectionnewspapers.com\)](#)

²⁵ [Harmony Place Mobile Home Residents in Alexandria South Demand Repairs be Part of Upcoming Sale - The Zebra-Good News in Alexandria](#)

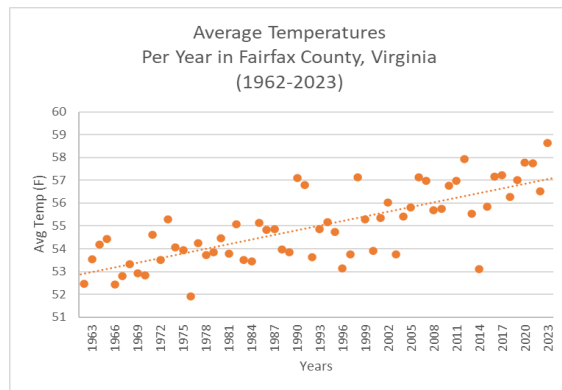
²⁶ Blue Heron Leadership Group. (2021). Harmony Place Mobile Home Park Condition Assessment.

residents with this vulnerability.²⁷ In addition to DMEs, power outages can exacerbate other vulnerabilities, such as increased heat stress or hypothermia, loss of refrigerated medication and food, and lack of access to communications devices. MHCs are also vulnerable to direct damage due to high wind speeds. Many of the existing homes in the MHCs were erected prior to the new HUD Code wind load standards that were put in place after Hurricane Andrew in 1994,²⁸ and are therefore likely to lack those resilience benefits. FEMA’s Composite Wind Zone Map shows that Fairfax County is in Zone II with wind speeds up to 160 mph and in the Hurricane-Susceptible Region²⁹.

Extreme Heat Vulnerabilities:

Extreme heat is increasing over time in Fairfax County. Average temperatures per year have risen by more than 4 °F since 1962, and an additional rise of 4.4 - 8°F is projected by 2085. Most notably, hot nights (or the number of nights per year that never drop below 70°F) are increasing, which poses a problem for those without sufficient access to air conditioning. The number of extreme heat days per year is also projected to continue increasing^{30, 31}. In addition to general temperature trends, the Urban Heat Island effect causes urbanized areas to retain more heat than rural areas due to greater concentration of paved surfaces, fewer trees and green spaces, and more waste heat (e.g., car exhaust). The county’s eight MHCs are largely located in or near the county’s Urban Heat Islands.^{32, 33}

Figure 8: Average Temperatures Per Year, Fairfax County, VA



Heat-related vulnerabilities include heat-related illnesses such as heat stroke, dehydration, and cardiovascular, respiratory, and cerebrovascular disease; exacerbation of existing health conditions such as kidney disease through heat exposure; increase of communicable disease due to time indoors during extreme heat; ground-level ozone, mold growth, asthma, stress and mental health impacts; exposure to vector-borne diseases carried by mosquitos and ticks; exposure to harmful algae and pathogens, and financial energy burden. LMI populations such as those in MHCs tend to have lower adaptive capacity for extreme heat due to lower disposable income for air conditioning, lower-quality ventilation, and lower access to tree canopy and green space.

How will your activities address the current and future threat of natural hazards, extreme weather, and disaster events?

Resilience to Riverine and Urban Flooding

As detailed in *Exhibit C: Need – Increasing Resilience in Disaster-Prone Areas*, and in the section above (*What significant hazards could impact your project site(s)?*), Fairfax County’s

²⁷ [HHS emPOWER Map](#)

²⁸ [Factory-Built Housing for Affordability, Efficiency, and Resilience | HUD USER](#)

²⁹ [Designing for Natural Hazards: A Resilience Guide for Builders and Developers - Volume 1: Wind \(huduser.gov\)](#)

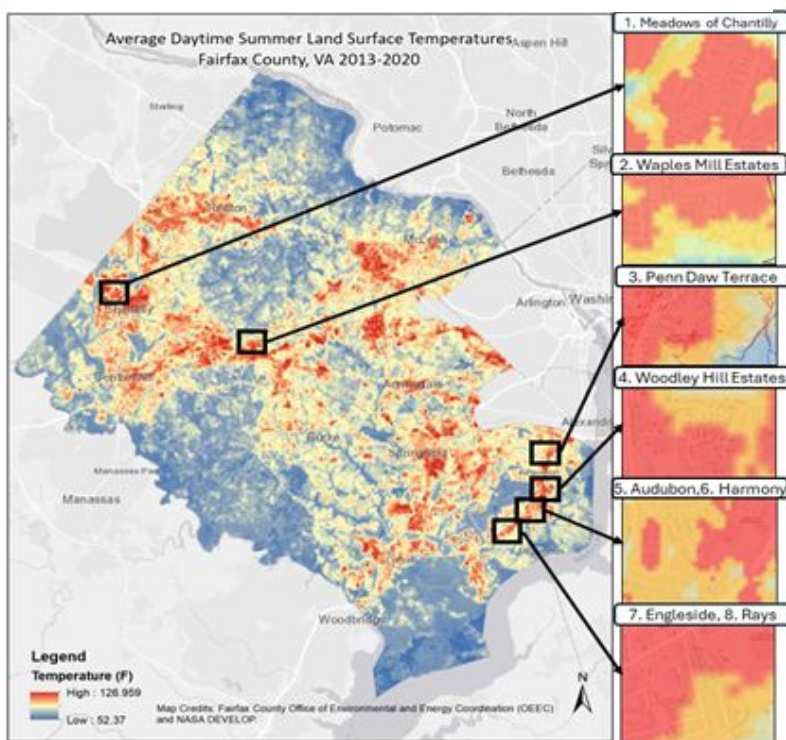
³⁰ [Resilient Fairfax Climate Projections Report 2022 \(fairfaxcounty.gov\)](#)

³¹ [Overall Resilience Metrics | Office of Environmental and Energy Coordination \(fairfaxcounty.gov\)](#)

³² [Resilient Fairfax Interactive Map Viewer \(arcgis.com\)](#)

³³ [NASA Develop Fairfax County Urban Heat Island Effect Study](#)

Figure 10: Manufactured Housing Communities in Relation to Urban Heat Islands in Fairfax County



MHCs are vulnerable to a range of flooding-related impacts. The PRICE Main grant may be used to enhance the

safety and stability of the MHCs through a menu of techniques that may include the following:

Enhanced access to flooding-related services: including assistance in applying for the county’s Flood Mitigation Assistance Program (FMAP), flood insurance, the Conservation Assistance Program (CAP), or help submitting stormwater service requests.

Emergency contacts and guidance: including information on who to call during flooding-related

emergencies of different types, how to evacuate, and how to prepare for emergencies.

Flood barriers and deployable supplies: such as sandbags, flood walls, flood gates, and other deployable measures, for short-term relief where appropriate.

Flood sensors and alarm systems: to better ensure the safety of MHCs in particularly flood-prone areas, such as those in Harmony Place and Audubon Estates.

Elevation of critical equipment and homes: such as elevation of HVAC or other mechanical and electrical equipment above the Base Flood Elevation, with additional freeboard for safety. The county will explore whether elevation of the housing units themselves is advisable.

Repair of flood damage: such as damage to units or components built after 1976 that have been flood damaged.

Use of flood-resilient materials: which may include flood-resilient walls, insulation, windows, HVAC covers, or other materials.

Planning for capital improvements, green infrastructure, and other infrastructural upgrades: such as analyses, engineering, and planning for larger-scale improvements that could include concepts such as a protective berm and trail between the community and the water body, culvert upgrades, or other stormwater infrastructure upgrades. Where feasible, green infrastructure and Low Impact Development (LID) techniques may be used to better absorb stormwater.

Land acquisition planning, permitting, and associated tasks: to ensure resident safety and to prevent displacement.

Removal of debris and other stormwater blockages: including coordination with VDOT for removal of debris that exacerbates flooding and education of the community on how to request help with debris removal, along with any action they can take themselves, if applicable.

Resilience to Severe Storms/Wind and Power Outage Vulnerabilities:

As detailed in *Exhibit C: Need – Increasing Resilience in Disaster-Prone Areas*, and in the section above, (*What significant hazards could impact your project site(s)?*), the MHCs in Fairfax County are also vulnerable to increasingly severe storms and associated impacts such as power outages. The PRICE Main grant would enhance the safety and stability of the MHCs as it relates to this hazard through a menu of options that may include:

Emergency contacts, emergency kit supplies, and guidance: to ensure residents are prepared with phone numbers for utility companies, county agencies, personal emergency contacts, and access to translated copies of the Community Emergency Response Guide (CERG), which instructs residents in taking preparedness actions. These efforts may include electrical safety education to prevent injury or loss of life in cases of downed wires or use of back-up power generators.

Utility coordination: County staff will explore options for coordinating with the MHC owner, property manager, and utility companies such as Dominion Energy, Northern Virginia Electric Cooperative (NOVEC), Fairfax Water, Washington Gas, Comcast, and Verizon, to ameliorate any utility-related issues. For example, a 2021 conditions assessment at Harmony Place found a need for “protection and proper support of electrical feeds, replacement of meter bank boards, and clearing access to meter banks that are currently inaccessible.”³⁴

Back-up power: This project may include provision of small back-up power options for MHC residents, such as battery-powered generators, for those who are medically reliant on electrical devices. The purpose is to prevent outage-related fatalities.

Wind-resilient materials: This project will explore options for improvements to MHCs that increase each unit’s resilience to high winds to prevent damage to neighborhood infrastructure, such as: adequately protected windows, doors, garages, and frames; wind-resilient roof cover; and properly fastened mounted HVAC equipment.

Storm and tornado shelters: for MHCs that lack access to a safe place to shelter, staff may pursue storm shelter options.

Resilience to Extreme Heat:

As detailed in *Exhibit C: Need – Increasing Resilience in Disaster-Prone Areas* and in the section above, (*What significant hazards could impact your project site(s)?*), the MHCs in Fairfax County are also disproportionately vulnerable to extreme heat and the Urban Heat Island (UHI) effect. The PRICE Main grant can be used towards a menu of heat resilience options including the following:

Effective distribution of aid: such as supporting qualifying households in applying for Cooling Assistance for air conditioning costs and equipment for units where such assistance is needed.

³⁴ Blue Heron Leadership Group. (2021). Harmony Place Mobile Home Park Condition Assessment.

Emergency contacts and guidance: such as who to call in cases of heat-related illness emergencies, where cooling centers are located, and how to prepare for extreme heat.

Resilient tree plantings: to mitigate the UHI effect by installing resilient, non-invasive trees on MHC sites as site conditions allow. To maximize benefits and longevity, tree selection will specifically consider resilient and adaptive species.

Cool roofs and pavements: including exploration of options for applying reflective coatings or materials to roofs to reduce home energy consumption and to pavements to reduce land surface temperature, which contributes to the UHI effect.

Energy efficiency upgrades: including weatherization, improvements in insulation, and heat pump installations or other energy-efficient HVAC systems, in coordination with entities such as community housing partners

How does your proposal help advance Environmental Justice (as defined in Section I.A.4 of this NOFO)?

This proposal seeks to advance environmental justice by reducing disproportionate exposure to flooding, extreme heat, storm damage, environmental health impacts of sub-standard infrastructure and housing, and other environmental hazards for the county’s MHCs. The MHCs often disproportionately comprise LMI households and communities of color, as summarized in the table below. (Please see *Subfactor (b)(i): Project Description, Management, and Impact – Description of MHC sites* for additional demographic and socioeconomic information).

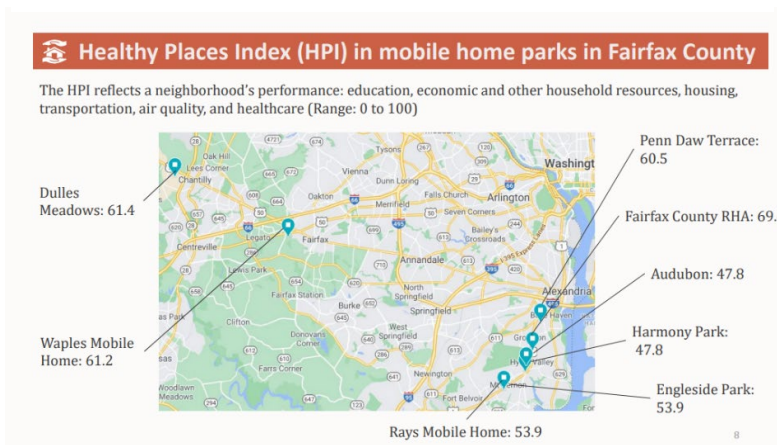
Table 3: US EPA Environmental Justice Index (EJ Index) Indicators

Name	Address	People of Color	Low Income	Limited English Speaking	Less than HS Education
Audubon Estates	7930 Audubon Ave Alexandria, VA 22306	92 nd percentile	73 rd percentile	88 th percentile	98 th percentile
Harmony Place Mobile Home Park	8018 Richmond Highway 22306	92 nd percentile	73 rd percentile	88 th percentile	98 th percentile
Engleside Mobile Home Park	8500 Greenleaf Street, Alexandria, VA 22309	78 th percentile	75 th percentile	57 th percentile	55 th percentile
Rays Mobile Home Colony	106 Denfield Dr Alexandria VA 22309	78 th percentile	75 th percentile	57 th percentile	55 th percentile
Penn Daw Terrace	6240 Shields Ave 22303	66 th percentile	34 th percentile	87 th percentile	58 th percentile

Name	Address	People of Color	Low Income	Limited English Speaking	Less than HS Education
Woodley Hill Estates	2800-3008 Camellia Dr Alexandria VA 22306	84 th percentile	45 th percentile	91 st percentile	99 th percentile
Waples Mill Estates	4308 Mobile Ct Fairfax VA 22030	68 th percentile	28 th percentile	89 th percentile	63 rd percentile
Meadows of Chantilly	4200 Airline Parkway, Chantilly VA 20151	87 th percentile	92 nd percentile	94 th percentile	80 th percentile

The Fairfax County Manufactured Housing Task Force in 2020 presented the Healthy Places Index (HPI) reflecting a neighborhood’s quality of life based on environmental and socioeconomic indicators. Of the county’s 8 MHCs, Harmony Place and Audubon Estates ranked the lowest. At Harmony Place, 93% of residents are Hispanic/Latino.³⁵ As documented throughout this narrative including in *Exhibit C: Need*, these communities have been disproportionately burdened by environmental hazards such as flooding, sanitary sewer overflows, natural gas explosions,³⁶ and sub-standard infrastructure.³⁷

Figure 11: Healthy Places Initiatives in MHCs



The proposed project would address the flooding, heat, and power-outage related environmental injustices as detailed in *Subfactor (b)(iii): Environment and Resilience*. The project also seeks to address exposure to environmental hazards associated with sub-standard infrastructure, such as sub-standard natural gas, electricity, sewer, and water infrastructure, through utility coordination where

applicable. Further, by replacing damaged and degraded units erected prior to 1976, the project would inherently address additional environmental hazards such as mold exposure and indoor air pollution from outdated appliances and materials.

In addition to addressing environmental hazards, this project seeks to enrich Fairfax County’s diverse communities by preserving existing affordable housing units, and most importantly, prioritizing the dignity of MHC residents by protecting existing community ties and preventing

³⁵ [Harmony Place Mobile Home Park Community Survey: Summary of Findings](#)

³⁶ [8 displaced in Mount Vernon mobile home fire | wusa9.com](#)

³⁷ Blue Heron Leadership Group. (2021). Harmony Place Mobile Home Park Condition Assessment.

displacement of residents. Fairfax County seeks to ensure quality of life for all residents, neighborhoods, and diverse communities, in alignment with the county's One Fairfax racial and social equity policy.

iv. Subfactor (b)(iv): Community Engagement (10 points)

On November 21, 2017, the Fairfax County Board of Supervisors published the One Fairfax racial and social equity policy with the goal of considering equity in decision making and, in the development, and delivery of future policies, program, and services. Among the goals of One Fairfax is a commitment to implement housing policies that encourage all who want to live in Fairfax to be able to do so and the provision of a full spectrum of housing opportunities across the county.

At the center of One Fairfax is a commitment to a fully inclusive approach to community engagement. As such, One Fairfax is a fundamental shift from a one-size-fits-all policy formula in favor of an approach that involves setting universal goals, assessing general population performance related to those goals as well as groups and places that are performing differently, understanding what supports and impedes groups from achieving the goals, and using that information to develop and implement targeted strategies. Therefore, the One Fairfax Equity Plan calls for the engagement of people with lived experience to inform proposed activities using a place-based collective impact approach to address the complex, large scale social and environmental issues at scale.

This approach relies on a group of stakeholders committed to addressing a specific social or environmental issue, and the results and implications are discussed together. It includes non-profit, private, and public sector, and the community. In order to make significant progress it requires systems change, greater alignment and connection between many organizations and community as decision makers. Successfully making progress requires both scaling effective work across organizations as well as identifying new innovative solutions.

In partnership with the Fairfax County Department of Neighborhood and Community Services (NCS) and their network of stakeholders and partners contracted through their Neighborhood Initiative Program (NIP), the FCRHA and the county's Department of Housing and Community Development (HCD) will be implementing and coordinating the Countywide Inclusive Community Engagement framework to galvanize those impacted the most. Working from an equity perspective, NCS will work with external partners, stakeholders, and the business community to build inclusive community engagement capacity to improve service delivery and create equitable outcomes for all manufactured housing residents. By bringing together bring together non-profits, community-based organizations, civic organizations, inter-faith community, and county agencies we will establish the best practices as well as build the capacity of county, community, and stakeholders to engage in inclusive public engagement. It will also evaluate and address barriers (including transportation, language, virtual access, and technology gaps) to cultural, recreational, and social opportunities.

NCS will lead countywide engagement through centralized functions to provide guidance, tools, networks, data analysis and more capacity, coordinate countywide engagement efforts and resources to ensure fair and equal community access across departments, establish place-based engagement efforts, and provide technical assistance to create a geographic and population-focused approach based on each individual MHC needs. Participation will reflect a group of residents, who are representative of the demographics of each manufactured housing

community's geography, race/ethnicity, age, gender, and other demographic characteristics with specific emphasis on those who have historically been most adversely impacted by decisions and those who are most often marginalized in these conversations. This includes people of color, people with low incomes, limited English proficiency, and other traditionally underserved groups.

Engagement will connect residents to opportunities that encourage the development of an inclusive economy within the MHCs. Further, this approach to engagement will:

- Establish and maintain trust with communities in an honest and transparent manner;
- Consider and respect history, culture and trauma;
- Promote and create accessible government through establishing collaborative efforts with the community to ensure public engagement processes are broadly accessible to all residents of manufactured housing communities to promote meaningful participation;
- Enable engaged communications through clear and open communication for meaningful public input, broad community participation, and engagement in the decision-making process; and,
- Place strategic focus on turning vulnerable MHCs into communities of opportunity.

How does your proposal align with existing community plans and policies?

Fairfax County's PRICE grant proposal centered around: understanding community needs and preserving and revitalization; assessing and improving infrastructure; development activities; resilience and mitigation activities; housing and voluntary supportive services; and planning and regulatory activities clearly aligns with a wide variety of our existing community plans and policies as described below:

- *Countywide Strategic Plan*: This is the overarching strategic document governing Fairfax County's priorities, and the county's PRICE proposal is consistent with a variety of community outcomes in the Plan. Specifically, the PRICE grant proposal supports:
 - **Economic opportunity** by promoting economic vibrancy in all communities;
 - **Empowerment and support for residents facing vulnerability** by ensuring that the residents of MHCs are respected, understood and connected;
 - **Environment and energy** by promoting land quality and sound environmental policies in the MHCs; and
 - **Housing and neighborhood livability** by fostering affordable and quality housing and access to amenities that promote healthy neighborhoods.
- *Communitywide Housing Strategic Plan*: This is the guiding document for affordable housing policy in Fairfax County, and it among other things calls for the development of 15,000 net new homes affordable to households earning 60 percent of the Area Median Income (AMI) and below and no net loss of the county's existing affordable housing stock – including the MHCs. The county's PRICE grant application – which provides for a variety of activities aimed at preserving the affordable housing opportunities that exist in the MHCs – is in line with the county's housing goals.
- *Affordable Housing Preservation Task Force Report*: Fairfax County's Affordable Housing Preservation Task Force made recommendations for the preservation of the county's committed and market-affordable housing. The task force specifically set a goal of preserving the affordability of the approximately 1,750 housing opportunities that exist in MHCs. The task force recognized that MHCs, and owners of manufactured homes in

those communities have unique challenges and opportunities. In so doing, the task force recommended the creation of an MHC-specific work group to make the recommendations which serve as the underpinning of the county's PRICE application.

- *Manufactured Housing Task Force (MHTF) Report:* The MHTF set three goals:
 - Preserve, through a variety of means, the affordability of the approximately 1,750 housing opportunities that exist in the eight MHCs in Fairfax County, recognizing that each community – and each family - has unique circumstances that will require a tailored approach.
 - Provide MHC residents the opportunity to fully participate in and benefit from civic life in Fairfax County, most critically but not limited to policy decisions that directly impact their housing sustainability.
 - Provide MHC residents with the opportunity to learn about their rights and limitations and provide MHC owners with the opportunity to learn about their responsibilities under the Manufactured Home Lot Rental Act of Virginia and other applicable regulations, county policies and resources available to assist them.
- *Metropolitan Washington Council of Governments Regional Fair Housing Plan:*
 - Increase awareness of existing and upcoming affordable homeownership and rental opportunities in communities of color and other vulnerable communities
 - Increase community awareness of Fair Housing rights by developing and providing new Fair Housing training and outreach activities.
 - Enforce the Fairfax County Human Rights Ordinance through testing-initiated complaints that identify areas of concern.
 - Increase the accessibility of fair housing services for individuals with disabilities and for whom English is not their first language
 - Adopt amendments to the Fairfax County Comprehensive Plan that provide for tools and incentives for the preservation of both existing market-affordable multifamily units and manufactured housing communities.
- *Resilient Fairfax: Climate Adaptation and Resilience Plan:* This proposal would contribute to the implementation of several strategies in the county's climate resilience plan, including the following: CRC.2a: Community Aid and Services for Resilience; CRC.2b: Climate Resilience Education and Guidance; CRC.3a: Flood-Risk Reduction Plan; CRC.3b: Heat-Resilient Design, Development, Upgrades, and Practices; CRC.3c: Targeted Tree Plantings; RIB.1b: Flood Resilience of County Government Building and Other Facilities; RIB.2a: Advocate and Partner for Energy Resilience; AE.2a: Green Infrastructure for Resilience; IAP.3b: Federal and State Funding Opportunities for Resilience; IAP.4b: Build County Staff Capacity to Lead on Climate Resilience Planning and Implementation.

EXHIBIT E: CAPACITY (Maximum 20 points)

Fairfax County government serves the largest jurisdiction in the Commonwealth of Virginia and has a robust array of agencies that have a proven record of managing large-scale public works projects for decades. Specific to the work proposed under the PRICE grant, the Fairfax County Department of Housing and Community Development (HCD) has long experience managing community improvement projects, from CDBG-funded infrastructure improvements in Conservation Areas, to the development and rehabilitation of community centers, to the construction of new affordable housing communities.

Examples of recent, relevant projects managed by HCD and its partner county agencies include:

- *Hybla Valley Community Center*: The county purchased a former indoor tennis club in a part of the county which is largely surrounded by the Harmony Place and Audubon MHCs. Using CDBG and local dollars, the county renovated and converted the facility into a 50,000 square foot community center serving the LMI residents of the area with active recreation and wellness activities, job skills, after-school youth programming, among other services.
- *Murraygate Village Apartments Renovations*: The FCRHA and the county managed the total renovation of this 200-unit affordable apartment complex owned by the FCRHA. Murraygate Village is located adjacent to the Audubon MHC and is home to LMI working families. The FCRHA utilized a combination local and federal dollars along with Low Income Housing Tax Credits (LIHTC). Renovation activities included new windows, kitchens and bathrooms, and converting from a central boiler system to individually metered climate systems. HCD was able to conduct the renovation without having to move residents off-site, thereby reducing the disruption such a large and complex project would have had on their daily lives.
- *FCRHA Headquarters Energy Efficiency Upgrades*: The FCRHA and the county's Office of Environmental and Energy Coordination partnered to make major upgrades to the efficiency of the FCRHA's 1980s-vintage office building. Improvements included the installation of a large rooftop solar array, window tinting, conversion to LED bulbs, and a new HVAC system.

What is your experience using grant funds?

HCD has successfully administered a variety of HUD grants, including CDBG, HOME and ESG entitlement grants, CDBG-DR and CDBG-CV grants, CoC grants, as well as Section 108 loans. For example, the County has received over \$298 million from CDBG and \$78 million from HOME and expended funding to support numerous county public facility, affordable rental and homeownership housing, public services, fair housing, and rehabilitation activities. Beneficiaries included LMI individuals and households, including older adults, people with disabilities, those experiencing chronic or frequent homelessness, and children. HUD monitored the HOME program in 2018 and CDBG/CDBG-CV programs in 2022 and no findings or concerns were identified. In addition, HCD's partner agencies also have experience using grant funds from a wide variety of other federal agencies, including the US Departments of Transportation; Health and Human Services; and Justice.

Who are your key staff?

HCD will lead the execution of the manufactured housing preservation activities, which will be kick-started by the PRICE Main Competition funds. Fairfax County has committed a new

Manufactured Housing Coordinator staff position under the Affordable Housing Development Division (AHD) to oversee the program. This position will manage all activities, timelines, and community engagement, and partner with the Grants Management Division (GMD) of HCD to ensure compliance with the PRICE grant requirements. The position will also oversee all interagency coordination with partner organization. Interagency commitments include the departments of Public Works and Environmental Services (DPWES), Planning and Development (DPD), and the Office of Energy and Environmental Coordination (OEEC).

HCD leadership will support the new Manufactured Housing Coordinator position with the programming, decision making, and grants management compliance, as follows:

- Agency Director, Thomas Fleetwood
- Deputy Director, Real Estate Finance and Development, Anna Shapiro
- AHD Director, Meghan Van Dam
- AHD Manufactured Housing Program Coordinator – Pending
- Design, Development & Construction Division Director, Mark Buenavista
- GMD Program Manager, Sharon Shields
- GMD Associate Director, Laura Lazo
- Central Services (Finance Division), Division Director, Erin Kozanecki
- One Fairfax, Marwan Mahmoud

As mentioned previously, HCD will partner with NCS who will serve as lead and subject matter experts in community engagement:

- NCS, Deputy Director, Pallas Washington
- NCS, Inclusive Engagement and Community Intervention Division Director, Norma Lopez

DPD will guide HCD and provide subject matter expertise for all planning activities related to Comprehensive Plan and Zoning Ordinance studies and amendments:

- DPD Zoning Administration Division Staff
- DPD Planning Division Staff

OEEC and DPWES will provide subject matter expertise to the environmental and resiliency components of the grant, related to hazard assessments and mitigation efforts:

- DPWES, Stormwater Management, Emergency Management Specialist, Chase Suddith
- OEEC, Planner IV (Resilient Fairfax), Allison Homer.

What is your experience promoting racial equity?

In 2023, HCD conducted targeted outreach to residents of naturally occurring and committed affordable rental housing to inform a new Policy seeking to preserve existing affordable units if they undergo redevelopment (the Preservation Policy). The goal of the outreach was to ensure that the populations that may be affected by the Preservation Policy could help formulate and give feedback on it. Residents often face various barriers to participating in the land use process, such as language barriers, location and timing of the meetings, and lack of childcare and/or transportation. Staff from HCD and NCS used data and knowledge of potentially impacted communities to inform the locations of the various meetings. A series of three meetings in areas with concentrations of low- and moderate-income households. The times of the meetings were based on feedback from community members on how this has impacted their ability to participate in the past. Staff arranged childcare, transportation to/from the meetings, and translation services to remove barriers to resident participation.

HCD is also aligned with multiple focus areas of the One Fairfax Policy. One Fairfax aims to ensure that all county policies, programs, and services consider and address the needs of diverse populations, including race, ethnicity, gender, disability, and income level as a commitment to confront systemic inequalities, foster inclusivity and promote fairness across the community. For example, an area of focus of the One Fairfax Policy establishes the goal of achieving “Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county.” Another area of focus of the One Fairfax Policy sets the goal of achieving “Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood.” Aligned with both aforementioned focus areas, PRICE grant funding will be used to support comprehensive plan and zoning ordinance amendment activities, especially community engagement activities, to better address the needs of the MHCs and provide access to resources that support housing stability, code compliance and safety.

What is your experience completing environmental reviews?

Staff in Fairfax County’s Office of Environmental and Energy Coordination (OEEC), HCD, and Department of Planning and Development (DPD) have familiarity in the review of NEPA documents for state and federal projects related to transportation and infrastructure improvements, new capital facilities, housing, and other related development. DPD is the lead agency in conducting these reviews as part of the land use and entitlement process, soliciting comments from several county agencies; comments are primarily related to consistency with the Comprehensive Plan, County Code, State Code, and other Board of Supervisors adopted policies and documents. DPD conducts reviews of Environmental Assessments, Environmental Impact Statements, Environmental Impact Reviews and Coastal Zone Consistency Determinations. HCD conducts reviews in accordance with 24 CFR Part 58 for housing and community facilities receiving federal funding. Additionally, NEPA documents are taken into consideration by staff when making decisions for future planning and infrastructure needs.

Are you familiar with cross-cutting federal requirements?

Fairfax County Government’s Department of Finance administers a countywide grants management policy for all monies received through federal, state, and other private grant sources. This policy outlines the responsibilities of county departments that receive financial assistance and the procedures to be followed to ensure coordinated and efficient administration of all county grants. The policy complies with 2 CFR Part 200 – Uniform Guidance. Fairfax County has also adopted a procurement policy which includes procurement standards for federal grant awards to ensure compliance with 2 CFR Part 200.318 – 327, including adherence to Davis-Bacon labor standards for contractors and subcontractors where applicable.

HCD follows these policies and federal grant requirements relative to the acceptance of federal funds. For example, HCD also complies with environmental review; Build America, Buy America; affirmatively further fair housing; anti-displacement and relocation assistance; anti-lobbying; anti-discrimination; and lead-based paint requirements that are mandatory for CDBG and/or HOME activities. HCD also participates in the county’s annual single audit process for federal funds.

EXHIBIT F: MATCH OR LEVERAGE (Maximum 5 points)

Fairfax County will leverage at least approximately \$8.5 million of local, federal, and other sources of funding for activities described throughout this application over the period of performance.

As mentioned in *Exhibit D. Subfactor (b)(i): Project Description, Management, and Impact*, Fairfax County Department of Housing and Community Development (HCD) and Fairfax County Redevelopment and Housing Authority (FCRHA) seeks to establish a grant home rehabilitation and improvement program to be piloted at the Harmony Place and then expanded to other MHCs. The grant program is annually identified in the Action Plan for the county's CDBG program beginning in FY 2023.³⁸ The current balance of funding for this program is \$491,064 with an annual planned allocation of \$240,000 of CDBG funds. These funds would provide additional program funding leverage of \$1,931,064 during the PRICE grant period of performance. The annual allocation of \$240,000 between FY 2025 and FY 2030 is dependent upon HUD CDBG grant awards equal to the FY2024 award. Reductions in the annual award could cause the leverage funding to be adjusted based on the CDBG award amount and other program requirements.

Fairfax County will also leverage \$3,750,000 million in Amazon IMPACT Reach funds to support the proposed financial resources for homebuyers in MHCs to acquire a home for the first time, also described in *Exhibit D. Subfactor (b)(i)*. Uses for this funding may include such supports as compensation/repurchase of units, relocation assistance, down payment assistance, and providing homebuyer and homeowner education.

Fairfax County will also leverage funding for the Neighborhood Initiative Program (NIP) and Opportunity Neighborhood (ON) programming to implement and coordinate the Countywide Inclusive Community Engagement framework to improve service delivery and create equitable outcomes for all manufactured housing residents. The program brings together non-profits, community-based organizations, civic organizations, inter-faith community, and county agencies to establish best practices; builds capacity of county, community, and stakeholders to engage in inclusive public engagement; and evaluates and addresses barriers (including transportation, language, virtual access, and technology gaps) to cultural, recreational, and social opportunities. In total NIP and ON programs would leverage approximately \$2,794,500 of funding.

³⁸ Proposed One-Year Action Plan for County FY2024 (Federal FY2023):
[fairfaxcounty.gov/housing/sites/housing/files/Assets/Documents/Consolidated Plan/FY2024One-Year-Action-Plan.pdf](https://fairfaxcounty.gov/housing/sites/housing/files/Assets/Documents/Consolidated%20Plan/FY2024One-Year-Action-Plan.pdf)

Exhibit G: LONG-TERM EFFECT (Maximum 10 points).

Long-term affordability is the goal of any preservation effort undertaken by Fairfax County. For properties that will continue to operate as rental housing, Fairfax County will seek affordability periods that exceed 30 years, with a strong preference for the longest term possible. In the process of providing long-term loans for preservation, the FCRHA seeks the best possible terms to extend affordability beyond what is documented through Rights of First Refusal, ground leases, and other means. While affordability periods are the primary means of obtaining long-term affordability, these other mechanisms serve as back up to ensure that the FCRHA is well-positioned to create longer-term affordability when possible. Long-term affordability commitments and restrictions provide residents with stable pricing that is not subject to the same price increases as market rate rental homes. Robust engagement with residents will assist the FCRHA in determining the appropriate rent levels for residents on a property that receives funding.

Homeownership opportunities will be assessed and sought out through various means. PRICE grant funding will result in Fairfax County being able to assist residents in potential homeownership opportunities that arise, as these tend to arise quickly and require funding on-hand to execute. In a strong housing market like Fairfax County, it is essential to have ample funding available to respond to these opportunities in a timely manner and compete with investors seeking profits through increased rents and/or redevelopment of MHCs. Creative homeownership options will be explored, including potentially Community Land Trusts. The PRICE grant would enable Fairfax County to provide funding to residents who wish to own the land under their home when an opportunity arises to do so, thereby ensuring self-governance of the property and long-term affordability.

Fairfax County is not only committed to preserving the affordability of properties but also to improving living conditions through careful consideration of the physical conditions of a property and the needs of residents. Assessing the needs of MHCs will require robust coordination with residents to inspect the Manufactured Homes, discuss priority concerns with residents, and allocate resources in an equitable and efficient manner. PRICE grant funding will assist Fairfax County in reaching and helping a greater number of MHC residents than would otherwise be possible. By providing funding for physical improvements or home replacements, as needed, the county will be able to improve a greater number of lives through improved living conditions. The quality of one's home not only affects physical safety but also may have consequential impacts on mental health and well-being. Substandard housing can harm children's development and contribute to psychological distress.

MHCs are vulnerable to storms that are increasing in intensity and frequency over time, which are not only physically damaging to structure but can be a major source of stress for residents. Infrastructure improvements detailed in Exhibit D will assist with improving resilience related to flooding, wind and power outages, and extreme heat. Improving the resilience and safety of the MHCs will help protect residents' homes, reduce the financial need for them to fix their homes after it sustains damage, and can provide a greater sense of safety and stability. Aging structures may also be currently exposing residents to mold and other indoor air pollution from outdated appliances and materials. These conditions can lead to a variety of short- and long-term health effects. Units constructed prior to 1976 may need to be replaced in order to provide the greatest benefit to residents. This would improve the physical health of residents and reduce the stress that is associated with substandard and unhealthy living conditions.

Long-term, stable affordability for the MHCs through long-term restrictions and/or homeownership opportunities, coupled with physical improvements or replacement of degraded units, will improve the financial sustainability of the MHCs. PRICE grant funding will assist Fairfax County in making large investments upfront to improve the physical and financial health of the MHCs, reducing the need for further federal assistance. Fairfax County is in a strongly desirable location, reflected in the strength of the housing market. As noted in this application, MHCs in Fairfax County have been sold to investors, which may lead to substantial increases in pad rents and other fees for the residents. Financially stable communities and residents are less likely to require future federal assistance. Affordability levels that are subject to unstable and inconsistent market rate increases may increase the need for resident reliance on other federal assistance programs. Improving the resilience of the homes to storms will provide an improvement to the lives of the residents and also reduces the likelihood of disastrous effects on neighborhoods which might require federal assistance to resolve.

MHCs have historically provided affordable housing for those who might be priced out of other areas of Fairfax County as rents and property values continue to rise and wages stay relatively stagnant. Fairfax County's MHCs are located in areas with disproportionate socioeconomic vulnerabilities, and Census data shows that socioeconomic vulnerabilities are greatest among Black/African Americans and Hispanic populations. The PRICE grant funding will assist vulnerable populations by seeking to stabilize rents, promote homeownership, and provide much needed repairs to homes. These measures will help bolster the financial, physical and mental health of underserved residents who have historically not been able to reap the benefits of Fairfax County's economic success. As Fairfax County has attracted new residents, businesses, and developments, affordability has decreased and left many in dire financial situations. Many vulnerable populations have also historically been left out of public engagement with county leadership and staff as they face more barriers to participation than many of the residents who are typically involved. Robust and thoughtful community engagement with the residents of MHCs will help bring them into the fold and start important conversations regarding their needs as residents and those of their communities. The PRICE grant will enable Fairfax County to invest in the MHCs to promote long-term affordability, homeownership, and resilience among populations that have historically been underserved.

Required Attachments

Note: Attachments do not count towards the application page limit

Attachment A. Advancing Racial Equity

In 2017, Fairfax County entered a Memorandum of Understanding with seven neighboring jurisdictions to develop a Regional Analysis of Impediments (RAI). When completed, the RAI will be a five-year plan that includes goals and actions to help reverse patterns of segregation and increase access to neighborhoods of opportunity throughout the greater Washington, D.C. area. The RAI marks the first time in 25 years that local jurisdictions collaborated to create a joint plan for the region. As part of the RAI, comprehensive analyses were conducted that describe the living patterns of Fairfax County households by race and ethnicity. While the data reflects the broader community, it is inclusive of families that would be expected to benefit from mobility-related services as part of this grant funding.

Potential barriers to persons or communities of color. Findings from analyses conducted as part of the RAI indicate that although Fairfax County households have substantial access to low poverty areas overall, racial and ethnic disparities exist. In general, White households live in neighborhoods with lower poverty rates, while Hispanic and Black households live in higher poverty areas. Similar disproportional findings indicate that White households are more likely to live in environmentally healthy neighborhoods as compared to other races. In addition, data indicate that Hispanic and Black households are more than twice as likely to be severely cost burdened than are White households in Fairfax County. As the analyses conducted as part of the RAI are extensive, these findings and others will be used to guide efforts pertaining to housing mobility,

Steps to prevent, reduce or eliminate these barriers. As part of One Fairfax (described in Narrative E_HUD-52515_VA019), the Fairfax County Department of Housing and Community Development (HCD) has adopted an equity impact plan. This plan identifies agency goals and strategies to advance equity including improving affordable housing policies and administrative practices; preserving existing affordable housing; aggressively producing housing; and ensuring equitable access to a range of affordable rental and homeownership opportunities. As related to housing mobility, the FCRHA will use vouchers to increase affordable housing choices for people of color in high opportunity areas of the county. This will primarily be accomplished through the implementation of submarket payment standards in the Housing Choice Voucher (HCV) program.

Attachment B. Affirmative Marketing

Affirmative marketing. Fairfax County is rich in diversity, requiring marketing that connects to target audiences in their culture. The FCRHA will affirmatively market mobility services provided through this grant by combining consumer market data (demographics, lifestyles,³ Narrative K_HUD-52515_VA019 media patterns) with community input to determine the messages and media opportunities that will connect with the target audience. The FCRHA will market the mobility program utilizing: (1) owned media assets which include a website and Facebook account; (2) owned media of the broader Fairfax County government system which includes approximately 50 social media accounts owned by various local government agencies; owned Spanish-language assets; production teams from Fairfax Channel 16 to create social media videos and other culturally competent videos; and county-owned signage opportunities; and (3) outreach workers at the Fairfax County Department of Neighborhood and Community Services and Health Department who are trusted community members connected to prominent local influencers including faith leaders, community members and others.

FCRHA staff will work with the outreach workers in these agencies to connect with people who might not be otherwise reached by typical media strategies. The corps of outreach workers will receive a toolkit of materials, developed by the FCRHA, to share with local influencers and help them promote the program in their own community work. The toolkit might include materials to share on WhatsApp, WeChat and other text groups; mini articles for community or faith-based community newsletters, bulletins or websites; and social media posts. The FCRHA will also work with outreach workers to identify community leaders who would be able to interview with media, providing the 'trusted' third party voice.

The highest priority of Housing and Community Development (HCD) in partnership with Fairfax County Department of Neighborhood and Community Services (NCS) will be to expand opportunity and access to manufactured housing to existing and potential new residents beyond the neighborhoods dominated by their own race or ethnicity. Based on the county's demographic profile and vulnerability index the goal of affirmative marketing will be to make African Americans aware that manufactured housing is available to them throughout Fairfax County. We will make Asians and Hispanics aware that manufactured housing is available to them outside enclaves in which concentrations have developed. As well as expand the manufactured housing choices of Caucasians to include racially integrated neighborhoods.

In coordination with the Office of Human Rights and Equity Programs (OHREP) HCD and NCS staff will work with producers at Channel 16, the county's local TV station, to produce a video for viewership by county residents. The focus of the campaign is to highlight various manufactured housing neighborhoods and amenities offered in the county, introducing viewers to and encouraging viewers to visit those areas, and in the process providing them with a wider range of housing options and neighborhoods to consider when seeking housing.

Expanding where people look for housing requires an ongoing, long-term publicity campaign to make everybody aware that they can move anywhere in Fairfax County. Such a campaign to expand housing choices can include the use of local newspaper stories, display ads, radio and television public service announcements, social media, the internet, community centers, human services building, and the websites of Fairfax County. The idea is to change the mindset to consider manufactured housing throughout Fairfax County, rather than limiting their search.

Attachment C. Affirmatively Furthering Fair Housing

Affirmatively Furthering Fair Housing (AFFH). As previously noted, Fairfax County is participating in the development of a Regional Analysis of Impediments. This coordinated and systematic regional approach is critical as barriers to fair housing do not follow strict jurisdictional boundaries and residents are mobile throughout the region. The plan currently includes goals and strategies specific to Fairfax County as well as to those of the Washington, D.C. region. The plan is anticipated to be submitted to HUD toward the latter part of 2023, and once finalized, will be one of the few regional plans in the nation to affirmatively further fair housing. The RAI directly aligns with the One Fairfax policy and was built on robust community participation to identify meaningful goals and strategies.

Importantly, the regional goals as well as Fairfax County specific goals identified in the RAI support housing mobility and ensure that all households, regardless of race or ethnicity, have access to high opportunity neighborhoods. One of the key regional strategies is to expand locally funded housing voucher programs, increase the scale and scope of housing mobility programs, and improve the portability of vouchers across jurisdictions. Another key strategy identified in the RAI is to encourage landlords to reduce, eliminate, or offset application fees for voucher users and follow HUD's guidance on the use of criminal backgrounds in screening tenants, to further promote housing mobility.

Fairfax County has also adopted eight goals specific to the county to further address the barriers outlined in the fair housing plan. The local goals are aligned with and supplementary to the regional goals. In addition, they were established based on community feedback, and developed collaboratively with other Fairfax County departments and the community. The Fairfax County goals include adopting tiered, submarket payment standards to align with market rents and increase access to higher opportunity areas for voucher holders. This is the same goal as outlined in the One Fairfax plan for HCD and outlined in the FCRHA's MTW Plan. Progress made on the regional goals as well as Fairfax County local goals will be annually reported to the Fairfax County Office of the County Executive, One Fairfax team, and outlined in the county's One Fairfax plan.

Strategic Plan Alignment: If awarded, this grant would directly support and help to advance housing justice by specifically offering support services to families in higher poverty areas of the county. Importantly, the grant aligns with the FCRHA's strategies to advance equity under the One Fairfax policy as well as the goals articulated in the RAI. Along with providing a greater level of support to MFH families, the work of this grant will also help foster stronger relationships with MHC owners and property managers in Fairfax County. This will be of tremendous value in reducing barriers to fair housing, ensuring greater diversity in all areas of the county, and creating new rental opportunities for low-income households.

A new report, written by Virginia Commonwealth University, notes that in Northern Virginia, chances of living to age 75 depend on where you live, race and ethnicity.⁴ Recognizing that housing is fundamental to health, this grant opportunity will allow the FCRHA to provide the individualized resources that families need to move to opportunity areas that typically have more resources such as fresh groceries, walkable neighborhoods, parks, and more - all of which can influence health outcomes. In addition to aligning with HUD's strategic goal, the proposed use of this grant funding strongly aligns with local public health goals including the Fairfax County Community Health Improvement Plan and the Fairfax County Countywide Strategic Plan.

Attachment D: Eligible Applicants documentation per Section III. D. of this NOFO

Attachment E: Evidence of Partnership letters per Section III. D. of this NOFO, as applicable

Attachment F: Match or leverage documentation per Section III. C. of this NOFO, as applicable

Attachment G: Application Certifications and Standard forms per Sections IV. B. and Appendix B of this NOFO

Attachment H: Summary of comments received on published Application and list of commenters by name/organization per Section VI. E. of this NOFO

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Board Agenda Item
May 21, 2024

4:30 p.m.

Public Comment on Issues of Concern